Y-11-78

THE LAWS OF JAMAICA,

Passed by the

Assembly,

And Confirmed by

His MAJESTY IN Council, *Feb.* 23. 1683.

To which is added,

A short Account of the *Island* and *Government* thereof.

With an Exact Map of the Island.

LONDON,
Printed by *H. Hills* for *Charles Harper* at the *Flower de Luce* over against St *Dunstan's*-Church in *Fleet-street*. 1683.

1667:10

TO THE
READER.

Reader,

I Have now neither time to write the particulars of the Hiſtory of that Flouriſhing Iſland of *Jamaica*, nor conveniency to inſert it into this Book of the Laws of that Country, becauſe I ſhould thereby make it to ſwell beyond the intended conveniency of a Pocket-Book. But for the better ſatisfaction of any that may be inclin'd to remove themſelves to that Iſland, I have been deſired to write

this ſhort (but true) account of that Country; which pleaſe to take as followeth.

The Iſland of *Jamaica* fell firſt into the Poſſeſſion of the *Engliſh* the 10*th.* day of *May*, in the year 1655. The Middle of it is ſituated neareſt in 17 degrees 40 minutes of North Latitude, ſo that their longeſt day from Sun Riſing to Sun Setting is 13 hours 4 minutes, and their ſhorteſt 10 hours 56 minutes; The difference of Longitude, from the Meridian of *London*, to the Meridian which paſſes over *Port-Royal* (the chiefeſt Town there,) is 78 degrees 45 minutes Weſtward, which cauſes 5 hours 15 minutes difference in time, ſo that when it is Noon-day there,

there, it is a quarter of an hour paſt 5 in the Afternoon in *London.* The length of the Iſland lies neareſt Eaſt and Weſt, and is accounted to be 180 Miles, and the bredth in the broadeſt part of it 45 Miles, ſo that its Figure is neareſt an Oval. It lies under that which is called the *Torrid Zone*, nevertheleſs the Air is moderately temperate, occaſion'd by the long abſence of the Sun every night, by the ſtrong Eaſterly *Breezes* which generally blow from 8 or 9 in the Morning to 4 or 5 in the Afternoon, and by the Land Wind, which is a ſmall cool *Breeze* that comes off the Shoar from all parts of the Iſland in the Evening, and blows gently all

Night. The Nights are for the moſt part fair, and not a Cloud to be ſeen in the Sky, ſo that by their clearneſs and coolneſs they are exceedingly pleaſant; The Day time is much more hot and troubleſome, by reaſon of the Sun, and the Sea Wind, which moſt days blows very hard; If the weather be ſuch as is accounted ſeaſonable, it commonly rains a ſhower in the inland parts under the Mountains more or leſs every Day, about 1 or 2 a Clock, from the beginning of *April*, to the beginning of *December*, with Thunder and Lightning, and this makes the Iſland fertile, eſpecially if accompanied with thoſe they call the general ſeaſons,

ſons, which are commonly great rains in *May* and *November*, that continue Night and day with ſmall intermiſſion for 8 or 10 Days together, but theſe failing (as ſometimes they do) is prejudicial to all things in the Country; the reſt of the Year is for the moſt part very fair and delicate weather, without much rain, Thunder, or Lightning, and not at all too hot. There are Earthquakes ſometimes, two or three perhaps in a Year, but ſo moderate that they are over before one can well be ſenſible what they are, and never have yet been ſo violent to do any harm, The Middle parts of the Iſland are very full of Mountains, which towards the Eaſtward

end of it, are ſo high that they are not habitable, ſcarce acceſſible, Theſe Mountains for the moſt part are covered with large Timber-trees of divers ſorts of Wood fitting for building and ſeveral uſes, as well as for bearing many ſorts of Fruits, which maintain great plenty of Pigeons, Doves, Parots, and other ſorts of Birds, and alſo of wild Hoggs, all very good for food, betwixt theſe Mountains there run many Rivers, ſeveral whereof by the acquiſition of divers of the ſmaller Rivulets become large, but few Navigable, by reaſon they are for the moſt part barr'd at their falling into the Sea, and many of them ſinking into the ground (when they

they come into the Low-lands) before they can reach thither; theſe Rivers are well ſtored with good Fiſh, Mullets, Creafiſh, and Eeles, ſuch as are in *England*, the reſt ſtrangers to the *Engliſh* Climate, though all very fitting to be eaten. The Sea about this Iſland is alſo plentifully ſtored with many ſorts of very good Fiſh, and likewiſe with Tortoiſe, and Manates, both pleaſant and delicious Food. The Low-lands and Plain grounds, are where the People generally Inhabit, and in theſe are Level tracts of ſeveral Miles in length and bredth, like our Meadows, (full of Graſs) called *Savannas* (which Name they retain from

from the *Spaniards*) in theſe are bred great plenty of Cattle, Sheep, Horſes, Aſſes and Mules, ſufficient both for food and ſervice, there is alſo in the Country great ſtocks of Hogs, Hens, Ducks, Pigeons, Rabbets, Turkeys, and divers kinds of wild Fowl, and alſo ſufficient ſtores of all ſorts of Garden Herbs and Roots, Pulſe and Sallads, and with excellent Fruits, ſome known here, as Grapes of divers ſorts, and from ſeveral Countries, Lemons, Oranges, Citrons, Pomgranats, and Musk Mellons, beſides other very good Fruits, proper to that Country, as the Celebrated Pine, & many more not much inferiour to that incomparable Fruit, and that

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which makes these Fruits of the more use and beauty, and the Country thereby the more pleasant, is, that they (as well as the leaves on all the Trees) continue all the Year, there being no Winter, or decay, but a continual Spring, on every seasonable shower of rain, so that there is nothing wanting, for a necessary, plentiful, or delicate living; In this Island are many convenient Harbours for Shipping, besides several Bays and Roads fitting for the landing or takeing off of Goods: The chiefest of these is *Port-Royal*, which in its safety for Shipping, depth of Water cleanness of Ground, and conveniency of the Shore and Wharfs,

Wharfs, for lading and unlading of Shipping, may compare with any in the known World, and to add the more to the ſecurity of this, and the other Harbours of this Iſland, thoſe dreadful Hurricans, which often afflict the Iſlands of *Barbados*, *Nevis*, &c. never yet came near this Country. Adjoyning to this Harbour, on an *Iſthmus* of Land, is a handſome Town of the ſame Name, built from the Foundation by the *Engliſh*, the ground it ſtands on is but 53 Acres, and cannot be inlarged in its buildings otherwiſe then what the Inhabitants gain by the height of their Houſes, for it's incompaſſed all round with the Harbour

bour and Sea, unleſs on the Eaſt part, and there the *Iſthmus* being narrow, is cut off from the Sea to the Harbour, with a ſtrong and well fortified Wall, built with Brick and Stone, and ſufficiently Gunn'd, to ſecure the Town from any attempt from the Land part, without which Wall none are ſuffered to build, that ſo there may be no ſhelter for an Enemy; This Town for its bigneſs is very Populous, and contains about a 1000 Houſes, many of which are built with Bricks, and beautified with Balconies, after the modern way of building in *London*; the Streets are alſo regular, and kept very clean; there is alſo in it a fair Church built with Brick

and

and Stone, and handſomely finiſhed within, and for the defence of the Town and Harbour, there are 5 Forts ſtrongly built with Stone, on which are mounted about 110 large Guns, all kept in good order; hither reſort moſt of the Ships, here is the Cuſtom-houſe, here live the Merchants, and here is mannaged the chiefeſt part of the Trade of the Iſland; To this Harbour belongs about 100 fine ſailing Sloops, from about 12 Tuns to 40 Tuns in bigneſs, moſt of them built in the Country, which find very good imployment in trading and carrying goods about the Iſland, and to the *Spaniards*, catching of Tortoiſe, and other ways, by which their

their owners live very well. About 7 Leagues to the Weſtward of this is an old Harbour, a very large, good and ſafe Harbour for Shipping, and here alſo is a ſmall Town built, which daily encreaſes, as the inland parts of the Country about it, are more and more ſetled and planted; More Weſterly is *Carliſle Bay*, a ſafe Road for Shipping, and there is likewiſe built a pretty Town of that name, of about 100 Houſes, which has a fine Trade, that alſo increaſes, as the Country does in Plantations; farther Weſt is *Bluefields Bay*, and other good Roads, and the like there is alſo in St. *James*'s, St. *Anns*, and St. *Maries*, on the North ſide of the Iſland, and

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in the Pariſh of St. *Georges* in the North-Eaſt parts, is *Port Antonio*, a ſafe and good Harbour, and ſuch another in the South-Eaſt part, called *Port Morant*, beſides divers good Bays more on the South ſide, as *Morant Yallahs*, &c. So that there want not conveniencies for the Importing or Exporting of their Commodities, in any part of the Country. There are no Poyſonous or hurtful Creatures known to be in this Iſland, nor any voracious but the *Crocodil*, of which though there are many in the Sea, and the Rivers, yet it is rare to hear of any injury done by them. There is but one Town in the inland parts of the Country,

and

and that is called St. *Jago de la Vega*, it is ſeated near the banks of a fine River on the one ſide, and on the other is A large Plain, or *Savanna* of ſeveral Miles extent, it is about 6 Miles from the Sea of *Port Royal* Harbour, and was built by the *Spaniards* many years ſince, and in their time was a large Town, and well built after their manner, but on the firſt Peopling of the Iſland by the *Engliſh*, (when they were only an Army) many of the Houſes were deſtroy'd by the Souldiers, and have not ſince been rebuilt, becauſe the trade of the Country conſiſting wholly of Planters and Merchandizing, the one ſort whereof living ſcatte-

red about the Country as Farmers do in *England*, and the other dwelling in the Sea-port Towns, there is no occaſion in the Inland parts for ſuch a Community of Men to dwell together, as that Town would have receiv'd had it continued in its former greatneſs, yet here are ſtill many Streets, and fair Houſes, here is alſo the ſeat of the Government; The Governours Houſe and Chief Courts of Juſtice, here the Aſſembly met, and here are kept all the Records of the Iſland.

The chiefeſt Commodity that this Iſland makes, is a ſort of Muſcovadoe Sugar, that excells any that is made in any other of his Majeſties Plantations, the quantity of which in-

increaſes ſo much every Year, that it gives Addition to the number of Ships Trading thither; beſides this Sugar, there are great quantities of Indico, Cotton, Ginger, Tobacco, Piemento, Cacaes, Hydes, Achiots, Tortoiſe-ſhell, and divers ſort of dying, and other woods, for fine Joyners work, and Cabinets growing there, all which Commodities are as good in their kinds, as are in any Country, and excepting the Sugar, Indico, Cotten, Ginger and Tobacco, are peculiar to this, and are in no other of His Majeſties Plantations; there are alſo many other accidental Commodities brought in from the *Spaniards*, as Log-wood, Plate,

Pieces of Eight, Gold, Pearl, Emeraulds, *&c.* by means of which Manufactory and Trade, there is not leſs then 20 Sail of Ships of 300 Tuns a piece Burthen, and upwards, beſides others, which only uſe that Voyage, and of all ſorts above 100 ſail of Ships now laden every Year, and as the Iſland fills with *Engliſh*, and is ſupplyed with *Negroes*, the Trade and Shipping will both encreaſe; This Iſland depends wholly on His Majeſty, without any other Proprietors or Companies, and ever ſince His Majeſties happy Reſtoration, he has been graciouſly pleaſed it ſhould be Govern'd by a Governour fully Impowered by His Majeſties Commiſſion, who

who has a Council consisting of 13 of the gravest and chiefest Gentlemen of the Island, to advise with on all occasions, and to them, when it is requisite, there is called an Assembly of Two and thirty of the Gentlemen of the Country, chosen by the Free-holders from among themselves, by vertue of His Majesties writ, which to that end is Issu'd out by the Governour, into the several Precincts of the Country; These together with the Governor, and Council make such Laws as are necessary for the well Governing of the Island, and to the making of any Law, there must be the consent of the Governour, Council, and Assembly, as

three distinct States, of which if any one dissent, no Bill can pass into an Act, so that the making of Laws there, is Assimilated as near as may be, to that of our Native Country of *England*, and these Laws so made, are of Force at all times, until His Majesty be pleased to declare his pleasure to the contrary, And for the Incouragement of any of His Majesties Subjects to go thither, with intent to settle and Plant, His Majesty is graciously pleased, to give every Man for himself, Wife, Children, and Servants, and all he brings with him (or shall at any time after import) 30 Acres of Land for every head, in any part of the Island, that they

they themſelves ſhall chooſe, which is not already poſſeſt by others, they paying only the common charges of the Surveying and the Patent; and this paſſes to the Poſſeſſor, his Heirs, or Aſſigns for ever, by his Majeſties ſaid Grant, under the great Seal of the Iſland, in common Soccage, which Patent being enrolled, in the Office for that purpoſe eſtabliſhed there, is good againſt His Majeſties claim, or any pretenders whatſoever, though the Patent it ſelf, ſhould happen to be Loſt, Burnt, or any otherwiſe deſtroyed, the manner of the civil Government there is as in *England*, by Seſſions of the Peace, Juſtices, Conſtables, and o-

ther neceſſary Officers, which are appointed in the ſeveral parts of the Country, as there is occaſion, that Juſtice may be equally diſtributed; And for the Military Government, and defence of the Iſland, every Man from 16 years old to 60, is obliged (in 6 weeks after arrival with intent to ſettle there) to liſt himſelf in what Company of Foot, or Troop of Horſe, he pleaſes, but haing liſted himſelf, he is not to remove at his pleaſure, except he goes to dwell in ſome other part of the Country, and then he muſt liſt himſelf in that Regiment, where he goes to reſide; Of this Militia (it being no otherwiſe) the Governour is Captain General, who

is

is impower'd by his Commiſſion, to make under him Colonels, Captains, and all other Officers, which Train and Diſcipline their reſpective Souldiers, and take care that they keep good Arms, well fixt, and ſufficient ſtores of Ammunition always by them, that ſo they may be ready on any occaſion. The Town of *Port Royal* has in it one intire Regiment of this Militia, conſiſting of 10 Companies, one of which Companies mounts the Guard ſucceſſively every night, and keeps Watch in the ſeveral Forts, in as good order as is uſed in any regular Garriſon, that is in pay. For the tryal of Titles of Land, deciſion of controverſies, and recovery

of

of debts, there are ſeveral Courts eſtabliſhed, the methods whereof will here follow, written by an ingenious Gentleman, who has been a long Practitioner in the Courts and Laws of that Country, as well as in the Laws of *England*.

THE

THE PREFACE.

HIS *Majeſty having been graciouſly pleaſed (with the advice of the Lords of the Privy Council appointed a Committee for Trade and Plantations) to give His Royal Aſſent to ſeveral Acts made by the Governour, Council and Aſſembly of* Jamaica; *it was thought fit to Publiſh the ſame, as well for the benefit of its Inhabitants, as all others His Majeſties Subjects who may Trade or be any ways concern'd there; but for prevention of Miſtakes (leſt ſtrangers*

ſtrangers to Jamaica, *might think theſe few Acts were all the Laws and Privileges of that Iſland, which might leſſen it in their eſteem, and diſcourage ſome from adventuring themſelves or their fortunes thither) I was deſired by ſome Perſons of Quality, to give a more particular account thereof, in obſervance of whoſe commands, and reſpect I bear the place, I promiſed my endeavours, but muſt be very brief, for that the Book is in the Preſs ready to come forth; wherein I may be the more excuſable ſince a Gentleman who has lived long in, and very well knows that flouriſhing Country, hath here already given ſo good a deſcription of the Iſland which (as he ſaith) was taken from the* Spaniards,

Spaniards *in the Year* 1655, *and I may add in the* 7th. *year of his now Majeſties Reign, who when he came to exerciſe His Royal Authority was pleaſed to own what his Subjects had done (which was the ſame as if he had Commiſſionated them) and among other his glorious Titles deſcended to ſtile himſelf Lord of* Jamaica *by whoſe ſpecial grace and favour we have hitherto all the Laws and Priviledges of* Engliſh *Men exerciſed and continued amongſt us there. Theſe Acts now Printed being only By-Laws for better Government of the Plantation (which in ſome caſe requires different Regulations from the Kingdom of* England, *as ſome Counties for Stanneries, Fens,* &c. *do*

do here) and for raiſing ſuch neceſſary cuſtoms as may defray the Publick charge of that Country, for all Judges and Juſtices in Jamaica *determine all Pleas there according to the Laws of* England ; *purſuant whereunto that Iſland hath been Govern'd, except ſome little Variations for eaſe and benefit of a new ſettlement, as our proceedings being all in* Engliſh, *our pleading general Iſſues and giving ſpecial matters in evidence, our ſuits being more conciſe and far leſs chargeable than in* England, *the Practice of our Courts there much more plain and intelligible. To begin with his Majeſties Supream Court of* Judicature *(ſo called) which hath the ſame Juriſdiction with the* Kings-Bench, Com-

Common-Pleas, and Exchequer *at Weſtminſter, and is held 4 times in the year as the Terms in* England, viz. *every laſt Tueſday in* February, May, Auguſt *and* November, *which continue each time about a Week, and therein are firſt determin'd all Pleas of the Crown, then follow* Common-Pleas, *&c. The Judges of that Court being Commiſſion'd by his Majeſty or his Governours are always 5 or 7 whereof not leſs than 3 can try any cauſe and they conſiſt of the moſt conſiderable Gentlemen of the Iſland both for Parts and Eſtates, and uſually the Chief Juſtice is one of the beſt Quality, who hath practiſed and is well read in the Laws of* England; *tho few of them are ſo learned as the Judges here,*

here, yet they are Men of the greateſt ſenſe and reaſon (whereon all Law is or ſhould be grounded) This Court is not Burthen'd with many Officers, for one called the Clerk of the Grand Court is Prothonotary Cuſtos brevium, *&c. Nor do we trouble our ſelves with many ſorts of Writs, as* Originals, Capias, Alias *or* Pluries, *very rarely or never, arreſting any Perſon of known reſidence, only ſend him a Summons to appear next Court, and that he may come provided, a Copy of the Declaration is always left with the Summons, which being ſerved* 8 *days at leaſt before the Court, the Defendant is bound to appear, plead, joyn iſſue, and come to Tryal the very next Court, or Judgment will paſs by default,*

on

no Imparlance being allowed without ſpecial cauſe, as on oath that he hath material Witneſſes, and hath endeavoured, but cannot Subpœna *them. In Tryals we have not ſeveral* Venire's *nor a particular Jury for every cauſe, unleſs in ſome ſpecial matter of great import, but by a general* Venire, *the* Marſhal *prepares enough for four or five ſetts of Jurors, not knowing what iſſues they are to Try (which prevents packing or partial returns) who are impannel'd in Court, and put upon the Crown ſide, or Common Pleas, in ſuch cauſes as the Judges extempore direct. And the ſame Jury uſually Tries Six or more at a time, as the Court thinks their Memory, may well*

bear, for help whereof ſome of them take Notes; alſo they are permitted to take with them the Record it ſelf with all Papers or Deeds proved in Court, moſt of our actions there being plain matters of Debt or Accompt and ſome few Ejectments, Writs of Dower, Partition, &c. The Jurors indorſe their Verdict on each Record which is deliver'd in Court to the Clark, who of courſe enters Judgment unleſs it be arreſted, which every one may move the laſt day of the Court, but is rarely granted without very ſpecial cauſe preſently made appear; but if ſuch motions are ever favoured it is in exceſſive damages on action of Slander or frivolous Treſpaſſes which are uſually diſcountenanced

tenanced; we are not intreagu'd with dilatory Writs of Inquiry, but when any judgment is confeſs'd or paſſeth by nil dicit *in caſe, &c. the next Jury happening to be trying iſſues in Court take the Record and Aſſeſs Damages preſently. And for eaſe of thoſe who live by their labour to prevent unneceſſary attendance and expences, all Actions depending that Court or Term, are called and tryed alphabetically beginning with the Plaintiffs names; ſo all parties witneſſes, &c. may gueſs on what day ſuch a letter may come on, and accordingly give their attendance. Fourteen days after the beginning of the Court Execution iſſues, for which we have but one Writ comprehending both*

a Fieri fac *and* Capias ad ſat. (viz.) *to levy the Debt and Coſts of the Defendants Goods, or if he have none, then, to take his body, but becauſe no general Imparlance is allowed before, we in a Manner give one after Judgment: For that no man may be ruined by haſty ſurpriſe and ſale of his goods, the ſame after ſeizure in Execution may be returned, but muſt be left in the Defendants hands to diſpoſe to moſt advantage (if he end not with the Plaintiff) ſo as to bring the money into next Court, wherein if he fails, then a* Venditioni exponas *iſſues to the Marſhal to ſell them or any other* [illegible]*oods or take his body: Before* [illegible]*after which the Defendant is* [illegible]*erty to bring his Writ of Er-*

or [illegible] *ror*

at lib[illegible]

ror returnable before the Governour and Council though it is very rarely practiſed, ſuch Writs meeting with very little encouragement in juſt Debts. His Majeſty hath alſo conſtituted in this Iſland a Court of Chancery *wherein the Governour himſelf always ſits as Chancellour, aſſiſted by ſeveral diſcreet Gentlemen of eminency as Maſters, where Cauſes are ſpeedily determined without thoſe delays and expences uſed in* England. *There are alſo in every Pariſh or County monthly Courts erected for tryal of all Actions under Twenty pounds, or* ad infinitum, *with a* Juſticies *out of* Chancery, *which the Governour cautiouſly grants on ſpecial occaſions. Of Judg-*

ments in theſe Courts Writs of Error lie retornable at the ſupream Court, but rarely brought for reaſon aforeſaid. Then every Juſtice of Peace (beſides the authority of a Juſtice in England) *hath power of holding a Court of Conſcience for all matters not exceeding Fourty ſhillings value. The Quarter Seſſions are alſo held in each Pariſh or County after the manner of* England, *and there is a Court of Admiralty at the Town of* Port Royal *for tryal of Piracy and deciding other Maritime affairs, from whence we have the liberty of appealing to the Governour there, or to his Majeſty in Council here for redreſs. The Governour alſo*

ſo hath power (as Ordinary of the Dioceſs) for probate *of Wills, granting Adminiſtrations and determining all controverſies concerning the ſame ; But Eccleſiaſtical or Spiritual Courts are not yet known in this Iſland , Nor are Purchaſers here incumbred with bad Titles for that Regiſter (ſo much wiſhed for in* England) *is here eſtabliſhed where all Conveyances being acknowledged are to be enroll'd within three months, if the Cogniſors inhabit there ; But if any perſons Feme Coverts or others reſiding in* England, *and intereſted in any Lands or Plantations there ſhall deſire to diſpoſe of the ſame here, they muſt ſeal and deliver their deeds before two or more credible Per-*

ſons going for Jamaica, *who atteſting the ſame before a Judge there, the ſame may be enrolled in Six months, and ſhall be as* valid *in Law, as if done by Fine, Recovery or otherwiſe. In which caſe I ſhould adviſe the Purchaſer to take by way of Leaſe and Releaſe, and to have two parts at leaſt of each, with Covenants for further aſſurance,* &c. *that if one part happen to miſcarry, he may require another, yet ſo as always to keep one here, leſt any breach of Covenants ſhould happen. And ſince this publick Regiſter or Office of Enrolments is found of ſuch general uſe, that no Purchaſer or Lender of money can be deceived in his Title, it may not be unſeaſonable (for advancement*

of

of our Plantation Trade, and conſequently enriching our native Country of England, *the great Receptacle of all our wealth*) *to encourage monied men* (*who expoſe it here at* 4, *and* 5. per cent. *yet cannot get ſatisfactory ſecurity*) *to adventure ſome of it for* Jamaica, *where they may have unqueſtionable ſecurity, by men of viſible eſtates, or good* Mortgages, *for neither Perſons nor Eſtates can be there incumbred, but they muſt be diſcover'd either by the aforeſaid Regiſter or report of their Neighbours, who generally more intimately know and better obſerve each others Affairs than they can in* England. „*Nor was it ever known that any* Mortgage *hath been defeated or Title proved*

ved defective where compared and agreeing with the Regiſter, ſo that any Perſons having monies here to put out, may remit the ſame to Jamaica *by Bills of of Exchange at* 20 per cent. *or in Commodities (by advice of Merchants here) at* 40, *or* 50 per cent. *or more advance, and lend the ſame at* 10 per cent. *running only (in Commodities) the riſque of the Sea which alſo is ſo inconſiderable, that it may be enſured for about* 2 per cent. *But when they recal their moneys they may expect* 15, *or* 20 per cent. *loſs on their returns though ſometimes they gain alſo back which loſs when it happens may be attributed to the difference of our Coyns here and there,* Jamaica *money being about*

about ⅓ *more in value there than it will yield in* England. *And ſuch Adventurers have this further encouragement, that all real Securities there are* meliorated (*being certainly emprovable*) *the longer they continue planted, whereas lands here uſually decreaſe in value. It might alſo turn to much greater advantage then the beſt way of employing money in* England *To purchaſe Plantations there, many good penniworths frequently offering, as may be found by inquiry here of ſuch as have eſtates there, though uſually thoſe that have leaſt do moſt undervalue the place: For if* Jamaica *lie under any ill character ſhe owes it to ſome few Prodigals who having Riotouſly conſumed that little*

they

they carried thither, and being through ignorance or lazineſs incapable of any imploy, come home and rail againſt the Country, to juſtifie their unprofitable voyage and return. There is alſo another imputation on Jamaica, *viz. the difficulty of getting due returns and recovery of juſt Debts. To the firſt it hath uſually more noiſe than ſubſtance, for many men of declining fortunes, to deceive their Creditors, or otherwiſe, boaſt of great concerns there, and diſappointments by their Factors and Agents, &c, when really they have little or nothing in the Iſland, for if they had, the Law is open and much more cheap and expeditious remedies to be uſed there than in* England, *though indeed as to the*

the ſecond ſome have herein met with obſtructions partly occaſioned by a former Law indulging all new Comers for 5 years againſt proſecutions for forreign Debts: But that being now thought a diſparagement to ſo populous and opulent a Colony, was diſlik't by the Lords Committees and is not confirmed: Other inconveniencies ſome have met with for want of due information how to draw their proofs an procurations: I would not encourage any litigious ſuits, but for inſtruction of honeſt Creditors againſt able Debtors, I ſhould preſcribe this method, that all Letters of Attorny be Atteſted by Perſons going thither, who may prove the ſame VIVÂ VOCE, *which being recorded there, is*

good

good though the witneſſes die or return, whereas Perſons uſually ſend procurations under Corporation ſeals which are not there admitted for that better proofs may be eaſily had as aforeſaid; But ſuch cannot always be found for Debt: In ſuch caſe the Law there is ſo favourable to admit depoſitions atteſted under the ſeal of the City of London *or other Corporations, but then the Plaintiff would do well to give due credit on Oath for what he hath received, or elſe the Defendant may have juſt occaſion (with ſecurity) to delay him by Injunction till he anſwer his Bill in* Chancery: *Or if the Debt accrews by* Specialtie, *the Original bond it ſelf muſt go over, it being unreaſonable to recover againſt*

againſt any man on a Copy, yet the Bond it ſelf lie out againſt him; nor can indorſments nor truth ſo well appear unleſs produced in Court. If any Bill of exchange be drawn from Jamaica *which will not be paid here, one of the original Bills muſt go back doubly proteſted as well for* non acceptance *as for* non payment, *and in miſtaking theſe or ſuch like meaſures (grounded upon Law and Reaſon) many have been baffled or delayed and then cauſleſly reflect on the Juſtice of the Iſland. This is what occurs at preſent about our Temporal Laws. I may alſo add that the People are generally of the Church of* England, *and I am confident, in no part of the Kings Dominions hath his Majeſty*

Majeſty more truly Loyal Subjects for the number of its Inhabitants, than are in Jamaica: *We have very few Papiſts or Sectaries, for neither Jeſuits or Nonconformiſt Parſons do or can live among us; ſome few have attempted, but never could gain Proſelytes enough to afford them ſuſtenance (though all except Papiſts may freely exerciſe what Religion they pleaſe without diſturbance) But for able orthodox Divines there is ſo great encouragement that it's to be admired ſo many can content themſelves with ſuch mean or no Benefices in* England, *when they may ſo comfortably ſubſiſt in* Jamaica, *for that they are certainly provided for by an Act intituled,* For Maintenance of Miniſters, *which ſee in this*

this Book Folio 124. *Beſides which allowances, in moſt Pariſhes the Contingencies by voluntary preſents for Chriſtenings, Marriages, Buryings, and otherwiſe with Houſes taking Boarders, Schooling,* &c. *make conſiderable additions. So that they may live comfortably and lay up; Victuals being as plentiful and of the ſame ſorts for Butchers meat, tame and wild Fowl, Fiſh, Bread,* &c. (*with more variety*) *as in* England, *with this difference that we have green Peas, Beans, Cherries, Aſparagus, Musk and water Mellons, Pines, Grapes, Oranges, Pomgranats, Citrons, Lemons and hundreds of ſeveral other ſorts of Fruits in ſeaſon all the year long. But ſome are apt to*

object the hazard of the Voyage, and unhealthineſs of the place; as to the firſt, It's as ſafe going to Jamaica *as to go in a Wherry on the River* Thames, *where more Boats are caſt away in proportion than Ships going for that Iſland, for we ſoon come into a trade Wind and preſently ſail before it, almoſt conſtantly blowing from Eaſt to Weſt, that is from* England *to* Jamaica. *It being rarely known that any Veſſels miſcarry going thither. And this is evident enough if we conſider the common rate of Enſurers at two* per cent. *who are men of foreſight and experience never propoſing leſs then doubling their money which they cannot do if but one Ship in an hundred miſcarry, yet that doth not happen*

happen in time of Peace. Then as to the unhealthineſs of the Climate, (there are ſome who never were abroad think all places beyond Sea much alike, ſo that having heard of ſickneſs and ſeaſonings for new comers in places lately ſetled they are apt to impute it without any reaſon to Jamaica, *the Air being always ſerene and weather conſtantly temperate, though uſually reputed very hot, yet it's only ſo comparatively in reſpect of theſe Northern Climates, being with us always Summer as if every Month were* June. *I have obſerved and can experimentally affirm for Twelve years laſt paſt* Jamaica *to be as healthful a place as any part of* England, *for ſober temperate perſons, who*

have command of themſelves, eſpecially at firſt arrival, and can moderately drink one third Wine with two thirds Water, but one the other ſide I think it as pernicious a place to debauch in, as any in the World, and this ſo neceſſary vertue of ſobriety being more habitual in the other Sex, makes the place far leſs fatal to them then men, whereof uſually ten dye in proportion for one Woman, as appears by the yearly Bills of Mortality on Port Royal (*which is the* London *of* Jamaica) *and it is not extraordinary, if we alſo conſider the nature of the Climate* (*as it really is,*)*moſt propitious to Childbearing Women who are not ſo ſubject to Miſcarriages, Diſtempers, Pains or Difficulties before,*

at

at or after Delivery, as they are in England, *for being always Summer, there is no danger of catching colds, nor need of Fires in their Chambers, no Rooms there having any Chimnies except the Kitchen which is usually apart from the dwelling house. In* Jamaica *the Women after Childbed are strong and lusty at three days end, and about House again in a week; nay some* Negro *Women are at work in the Field the same or next day. I have been often questioned about the Natives of our Island whether they were not a terror to us,* &c. *It may not therefore be impertinent to declare that* Jamaica *is wholly Inhabited with* English, *who found none there but* Spaniards, *which were soon*

beaten off, and are long ſince in battel or by flight extirpated, though perhaps it was formerly very populous with Indians, *but thoſe were deſtroyed by the* Spaniards, *ſo that we have no Natives at preſent but Children of the* Engliſh, *or their* Negro *Slaves (which are imported thither as Merchandize from* Guiney *and other parts of* Africa) *of whom we are in no ſuch fear or danger as in leſſer Iſlands. But* Jamaica *is of too vaſt an extent for any ſuch ſurprize, being in many places divided with mountains of difficult acceſs, and great Rivers not paſſable but by Boats or Ferries, which dare carry no* Negroes *without a written Ticket or Licence from their Maſter*

or Overſeer. And if any Slave be found wandring out of his Maſters Plantation any perſon may ſeize and carry him to his Owner or next Officer and receive a certain reward. By which and other expedient methods, it's ſafer living or travelling in Jamaica *than* England, *we having rarely any Houſe-breaking or Robbery, for want of receivers, moſt perſons there generally knowing each other as they do in Country Cities here, though there are few Inns for Travellers, yet they are better and cheaper accommodated at Planters Houſes, who are generally very Hoſpitable and are conveniently diſperſed over the whole Iſland, for all* Jamaica *is ſetled by the* Engliſh *from one end to the other, though in ſome places more thin than others. The Houſes indeed are not ſo cloſe as in ſome parts of* England, *yet uſually the Plantations are contiguous, for a great Sugar work requires ſome hundreds of Acres for Canes, Wood, Proviſions, Paſture, &c. yet moſt of the Planters, are*

forward enough to ſpare ſome of it to a good Neighbour on reaſonable terms. The Wood-lands are commonly cleared and uſed for Planting, but there are vaſt even Meadows called Savannas, *for grazing of Horſes, Cattel, Sheep,* &c. *which we never cut nor make any Hay of, having Graſs all the year long, though ſometimes a little too much dryed or ſcorched by the Sun, when many purpoſely ſet it one Fire, the aſhes whereof mannure and emprove the Ground againſt another Crop, which will ſuddenly ſpring again with the next gentle ſhowers or without, by the great dews which there fall in the night, and in the mean time the Cattle retire to other paſtures in ſhady Woods or lower Marſhes; it is alſo obſervable that our Horſes are generally ſwift, but few or none of them ſhod, yet will gallop the moſt ſtony way, and climb ſteep Rocks like Goats, nor are they troubled with near ſo many diſtempers as Horſes in* England, *it being common (though never*

never ſo hot or hard ridden) *to turn them preſently grazing, but the Horſes are uſually of ſo ſmall a breed that all Gentlemens Coaches* (*which are there very numerous*) *go with ſix Horſes a piece, we have alſo ſeveral Hackney-Coaches. The manner of living there for gallantry, good Houſekeeping and Recreations* (*as Horſe-Races, Bowls, Dancing, Muſick, Plays at a publick Theatre,* &c.) *ſufficiently demonſtrate the flouriſhing condition of the Iſland, yearly increaſing as well in number of Inhabitants as in wealth and plenty, being moſt commodiouſly ſeated in the midſt of the* Spaniards, *ſo that we drain the benefits of their Gold and Silver Mines without their Labour and expences. The Town of* Port-Royal, *being as it were the Store-houſe or Treaſury of the* Weſt-Indies, *is always like a continual Mart or Fair where all ſorts of choice Merchandizes are daily imported not only to furniſh the Iſland, but vaſt quantities are thence again Tranſported to ſupply*

the

the Spaniards, Indians, *and other Nations, who in exchange return us bars and cakes of Gold, wedges and piggs of Silver, Piſtols, Pieces of Eight, and ſeveral other Coyns of both Mettles, with ſtore of wrought Plate, Jewels, rich Pearl Necklaces, and of Pearl unſorted or undrill'd ſeveral Buſhels; beſides which, we are furniſhed with the pureſt and moſt fine ſorts of duſt Gold from* Guiney, *by the* Negro *Ships, who firſt come to* Jamaica *to deliver their Blacks, and there uſually refit and ſtay to reload three or four Months, in which time (though the Companies Gold may be partly ſent home) yet the Merchants, Maſters of Ships, and almoſt every Mariner (having private Cargoes) take occaſion to ſell or exchange great quantities; ſome of which our Goldſmiths there work up (who being yet but few) grow very wealthy, for almoſt every Houſe hath a rich Cupboard of Plate which they careleſly expoſe, ſcarce ſhutting their doors in the night, being in no appre-*

apprehenſion of Thieves for want of Receivers as aforeſaid. And whereas moſt other Plantations ever did and now do keep their accounts in Sugar, or the proper Commodities of the place, for want of Money, it is otherwiſe in Jamaica, *for in* Port Royal *there is more plenty of running Caſh (Proportionally to the number of its Inhabitants than is in* London, *which (among other worthy Acts) we chiefly owe to the provident care of his excellency Sir* Thomas Lynch *our preſent and former Governour, who about Ten years ago (by advice of his Majeſties Council there) raiſed the value of our current Coyns about* $\frac{1}{5}$ *more than they will yield in any other part of Chriſtendom, ſo that none care to carry Money off but bring great quantities thither, which occaſions the daily increaſe of our Sugar works and other profitable Plantations, and gives great incouragement to the Gentlemen Planters in other adjacent Iſlands and Plantatione to remove*

and

and ſettle amongſt us, being there obliged to uſe traſh, and Sea-Coals to boyl their Sugar (which renders it not ſo good as when made with quick wood fires;) nor are they here at ſo great charge for Horſes and Cattle to do their work, nor pent up in ſuch narrow Plantations for want of Land as in thoſe ſmall Iſlands, nor ſubject to many other inconveniencies incident to little Countries and ſmall numbers of People. This Iſland of Jamaica *being very Capacious, and ſupply'd both from abroad and in it ſelf with great Plenty of all things neceſſary.*

F. H.

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At

AN
EXACT
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Porto de Columbes
Still R
Privateer Quarters
Bloomsbury
Ballard
Point Pedro
The Divels Race
Little Point Pedro
Alligator Pond
Red Cliffs
Great Point Pedro
Divels hole
White Spot Cliffs
Black River
Luana
Mugfins hole
Burnt Sav.
Valle de las Vaccas Savanna
Kenastone Valley Savan.
Bullers wood
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Laughland
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Drax B
Ft Ann

Scala Miliarum
LONDON
Printed for Charles Harper over against St Dunstans Church in Fleet-Street

At the Court at *Whitehall*, the 23d. of *February*, 1682.

PRESENT

The King's Moſt Excellent MAJESTY.

Lord Keeper.
Lord Preſident.
Lord Privy Seal.
Duke of Ormond.
Duke of Beaufort.
Earl of Oxford.
Earl of Cheſterfield.
Earl of Sunderland.
Earl of Clarendon.
Earl of Bath.
Earl of Craven.
Earl of Ailesbury.
Earl of Conway.
Earl of Nottingham.
Earl of Rocheſter.
Lord Biſhop of London.
Mr. Secretary Jenkins.
Mr. Chancellor of the Exchequer.
Lord Chief Juſtice Pemberton.
Mr. Godolphin.

WHereas *by the Powers given unto* Charles *Earl of* Carlile, *late Governour in Chief*

of the Iſland of Jamaica, *and in his Abſence to the Commander in Chief thereof for the time then being, Dated the Third day of* November, *in the* 32d. *Year of His Majeſties Reign, as alſo by a Commiſſion unto Sir* Thomas Lynch, *Knight, now Governour in Chief of the ſaid Iſland, bearing Date the Sixth Day of* Auguſt, 1681. *His Majeſty has been Graciouſly Pleaſed to Authorize and Impower the Governour, Council, and Aſſembly of the ſaid Iſland to Conſtitute and Ordain Laws, which are to continue and be in force untill His Majeſties Pleaſure be ſignified to the contrary. And foraſmuch as certain Laws have in purſuance of the ſaid Powers and Commiſſions been tranſmitted unto His Majeſty, with the Humble Deſire*

ſire of the ſaid Council and Aſſembly, that His Majeſty would be Pleaſed to paſs the ſame, in the Words following.

An ACT

Appointing the Number of the Aſſembly.

BE it Enacted and Ordained by the Governour, Council, and Aſſembly, and it is hereby Enacted by the Authority of the ſame, that in every Aſſembly hereafter to be called by His Majeſties Writs, and held within this Iſland, there be Choſen Three Repreſentatives for the Pariſh of St. *Catharines*, the like number for the Pariſh of *Port Royal*, and Two for each other of the reſpective Pariſhes that now are, or hereafter ſhall be in this Iſland; and that the Provoſt Marſhal, or his Lawful Deputy, give to every Perſon Elected, within ten Days after his Election, notice that he is ſo Elected.

Provided

Provided always, that every Perſon Elected ſhall be a Free-holder in this Iſland, and that none have Right to Vote in any Election, but thoſe that are Free-holders in the ſame Pariſh Where the Election is to be made.

An ACT

For Regulating Servants.

BE it Enacted and Ordained by the Governour, Council, and Aſſembly, and it is hereby Enacted and Ordained by the Authority of the ſame, That all and every Maſter or Maſters of Slaves, for the firſt five Working Slaves, ſhall be Obliged to keep one White Man Servant, Over-ſeer or Hired Man for Three Months at leaſt; and if the Number increaſe to Ten, Two; and for every Ten after the firſt, One, to be Reſident in the Plantation, where the Negroes are employed; and if any ſhall be wanting for the ſpace of ſix Months of the proportion aforeſaid, he, ſhe, or they for every Servant ſo wanting, ſhall forfeit five pounds to the Uſe of the Pariſh where ſuch Default ſhall be made, to be Recovered by the Church-

Wardens

Wardens by Action of Debt in any Court of Record in this Iſland.

And it is further Enacted and Ordained by the Authority aforeſaid, That all Maſters, Miſtreſſes, or Over-ſeers of Slaves, who ſhall not truly inform the Conſtable or Conſtables, within their ſeveral Precincts, when thereunto required, of all ſuch Hired Men, or Servants, and Working Slaves, as ſhall juſtly and truly belong unto them, or under their Care, ſhall forfeit the Sum of Twenty pounds, to be Recovered by Bill, Plaint, or Information in any Court of Record within this Iſland, where no Eſſoign, Protection, or Wager of Law ſhall be allowed; one Third of which Penalty ſhall be to our Soveraign Lord the King, his Heirs and Succeſſors, for and towards the Support of the Government of this Iſland, and the Contingent Charges thereof; one Third to the Church-Wardens of the Pariſh where the Offence ſhall be Committed, for the Uſe of the ſaid Pariſh; and the other Third to the Informer, or he that

ſhall ſue for the ſame. And whatever Conſtable or Conſtables ſhall neglect his or their Duty herein, by not demanding an Account every Six Months, and returning the ſame unto the Juſtices ſitting at the next Quarter-Seſſions of that Precinct, which they are hereby required to do, ſhall for every ſuch Default forfeit the like Sum of Twenty pounds, to be Recovered and applyed in manner and form aforeſaid.

That all Servants ſhall have according to their Contract and Indenture, and where there is no Contract, or Indenture, Servants under Eighteen Years of Age at their Arrival in this Iſland, ſhall ſerve Seven Years, and above Eighteen Years of Age, ſhall Serve Four Years, and all Convicted Felons, for the time of their Baniſhment, and at the expiration of the Times aforeſaid, ſhall receive from their laſt Maſter, Miſtreſs, or Employer Forty ſhillings, and a Certificate of their Freedom upon Demand; and whoſoever ſhall refuſe, without juſt Cauſe, to give ſuch Cer-

Certificate to Servant, Artificer, or Labourer, whoſe Time is expired, or Contract performed, ſhall forfeit forty ſhillings for every ſuch Refuſal.

And whoſoever ſhall Employ any Free Perſon without a Certificate from the the laſt Employer, of the Performance of his or their laſt Bargain or Contract, ſhall forfeit Ten pounds.

That no Perſon or Perſons preſume to Trade with any Servant or Slave without the Maſter or Miſtreſſes Conſent, on Penalty of forfeiting to the Maſter or Miſtreſs of ſuch Servant or Slave, treble the value of the things Traded for, bought, or Sold, and alſo Ten pounds Currant Money of this Iſland, to be recovered by ſuch Maſter or Miſtreſs by Action of Debt in any Court of Record; And all Contracts made with Servants or Slaves to be utterly void.

That

That if any Servant or Hired Labourer ſhall lay violent Hands upon his or her Employer, Over-ſeer, or other Perſon put in Authority over him or her, ſuch Servant or Labourer ſhall for ſuch Offence Serve his or her Employer without any Wages twelve Months, by Order of any Juſtice of the Peace on Conviction.

That by the like Order and Conviction any Over-ſeer or Artificer, Hired Labourer or Servant, that ſhall embezle, purloin, make away, or waſte any of his or her Employers Money, Goods or Chattels, not exceeding the value of forty ſhillings, ſhall ſerve, or make Satisfaction, according to the Diſcretion of any one of His Majeſties Juſtices of the Peace; and if above the value of forty ſhillings, to ſerve two Years by the like Order without any Wages, and be further liable, in caſe that Time will not ſatisfie; and if any ſuch Perſon as aforeſaid ſhall embezle, purloin, or make away any Money, Goods or Chattels of any others than their Maſters, Miſtreſ-

ſes,

ſes, or Employers, they ſhall incur the ſame Penalty, and Serve the Party injured as aforeſaid, after their Time expired with their Maſters or Miſtreſſes.

And be it further Enacted by Authority aforeſaid, That if any Freeman of this Iſland ſhall at any time hereafter beget a Woman-Servant with Child, he ſhall (upon due Proof thereof made, which Proof ſhall be by the Oath of the ſaid Woman, as in other Caſes of Baſtardy) give good Security to ſave the Pariſh harmleſs; and as a further Puniſhment for his Offence, and for and towards Satisfaction of the Maſter or Miſtreſs of ſuch Servant, ſhall forfeit and pay unto the ſaid Maſter and Miſtreſs the full Sum of Twenty pounds currant Money of this Iſland, and ſhall likewiſe provide for the Maintenance of the ſaid Servant and Child, and in caſe of failure herein, ſhall ſerve the Maſter or Miſtreſs of ſuch Servant, double the time that ſhe had to ſerve at the time of the Offence committed, or ſhall procure one in his or their ſtead, that ſhall be obliged

obliged ſo to do. And in caſe one Servant ſhall beget another with Child, then the Man-Servant ſhall, after the Expiration of his Term, ſerve the Maſter or Miſtreſs of the Woman-Servant, double the time ſhe had to ſerve, at the time of the Offence committed.

That any Man-Servant Marrying without the Maſters or Miſtreſſes Conſent, ſhall ſerve two Years for ſuch Offence; but if any Free-man ſhall Marry a Servant, he ſhall be liable to pay the Maſter or Miſtreſs Twenty pounds, and ſhe ſhall be free.

That all Suits between Servants and their Maſters or Miſtreſſes relating to their Freedom, ſhall be heard and determined by any two Juſtices of the Peace without any Appeal; and if any Servants abſent themſelves from their Maſters or Miſtreſſes Service without Leave, or a Ticket from their Maſter, Miſtreſs, or Over-ſeer, ſhall for every ſuch Days Abſence, ſerve one Week, and ſo in proportion for a longer or ſhorter

ſhorter time, the whole Puniſhment not to exceed Three Years.

That if any Perſon ſhall turn away any Sick or Infirm Servant, under pretence of Freedom, or otherwiſe, and ſuch Servant ſhall die for want of Relief, or become Chargeable to any Pariſh, the Offender ſhall forfeit Twenty pounds of Currant Moneys of this Iſland, to the Uſe of the Pariſh where ſuch Death or Charge ſhall happen, to be Recovered by the Church-Wardens by Action of Debt in any Court of Record, unleſs the Party offending ſhall pay the ſame, and alſo receive the ſaid Servant, if Living, and him to maintain during the whole time the ſaid Servant had to ſerve. But if any Servant, through wilful Misbehaviour, ſhall happen to have the *French POX*, *Taws*, or any other Diſeaſe, broken Bones, Bruiſes, Sickneſs, Impediment, or Impriſonment, he or ſhe ſhall ſerve their Maſters or Miſtreſſes double the Time thereby neglected; and alſo for all Charges occaſioned by reaſon thereof, at Ten ſhillings *per* Month,

Month, after their Time by Indenture or otherwiſe be expired; and alſo Maſters or Miſtreſſes of Servants, who ſhall receive unjuſt Moleſtation by complaints or Suits of Law, ſhall have the ſame Remedy for their Expences and Loſs of Time.

That no Servant be Whipt Naked without Order of a Juſtice of Peace, upon Penalty of Five pounds, to be Recovered by the Party Injured by Action of Debt in any Court of Record. And whoſoever ſhall not give to each White Servant Weekly, four pounds of good Fleſh, or four pounds of good Fiſh, together with ſuch convenient Plantation Proviſion, as may be ſufficient, ſhall forfeit to the Party Injured Ten ſhillings for each Offence. And whoſoever ſhall not Yearly give to each Servant three Shirts, three pair of Drawers, three pair of Shooes, three pair of Stockings, and one Hat or Cap, and to the Woman proportionably, ſhall forfeit to the Party Injured forty ſhillings.

That

That no Maſter, Miſtreſs, or Overſeer ſhall cauſe or ſuffer any Chriſtian Servant to be Buried or Interred, until the Body of ſuch Servants ſhall be viewed by a Juſtice of the Peace, Conſtable, or Tything-man, or by two ſuch Neighbours, as the ſaid Juſtice, Conſtable, or Tything-man ſhall chooſe and appoint, on Penalty of Twenty pounds currant Money of this Iſland, unleſs ſuch Perſon died Ten Miles from the Dwelling of a Juſtice, Conſtable, or Tything-man, and hath been viewed by two of the next Neighbours, and in default of Neighbours, by two of the ſame Family, or that the ſaid Juſtice, Conſtable, Tything-man, or Neighbours have not within Six Hours after Notice given, come to view the Dead Body; and whoſoever upon Notice given, and Requeſt made to view ſuch Dead, ſhall not within four Hours after ſuch Notice repair to the view, or on the view finding any ſuſpitious Tokens of the Bodies unlawful Death ſhall not forthwith give Notice to the Coroner, or in Default of a Coroner of that Pariſh,

Pariſh, to the next Juſtice of the Peace, ſhall forfeit Ten pounds, which Juſtice, in ſuch Caſes, is hereby empowered to act as a Coroner.

That whoſoever ſhall entertain a Servant, knowing the ſame to be ſo, ſhall forfeit for every Day and Night after the firſt, five pounds; and not knowing him to be a Servant, Twenty ſhillings for every Day and Night after the firſt, ſo that the whole exceed not treble the value of the Servants time remaining to be ſerved with the Maſter or Miſtreſs. *Provided*, that this Clauſe extend not to Servants, by Contract made in this Iſland, but ſuch as are atteſted by a Juſtice of the Peace, nor to ſuch as entertain any as bring a Certificate of their Freedom, atteſted under the Name of a Juſtice of Peace, though the ſame be falſe and forged, or for any other Perſon whoſe Name the bringer perſonateth, but ſuch forger, falſifier, perſonater, or bringer, and every one of them ſhall be ſet in the Pillory, and loſe his Ears on Conviction thereof in the Supream

Supream Court of Judicature: But whoſoever ſhall entertain a Servant any time, if the ſaid Servant ſhall be Drunk, Trade or Gain, during the ſaid Time, ſhall forfeit the Sum of Twenty ſhillings, the one half to the Pariſh where the Offence ſhall be committed, and the other half to the Informer, to be levyed by a Warrant from any Juſtice of the Peace. And alſo if a Servant or Hired Labourer ſhall be guilty of hiding or entertaining any Perſon's Servant or Slave, he ſhall forfeit one Years Service to the Maſter or Miſtreſs of ſuch Servant or Slave, or receive Thirty Nine Laſhes on the Naked Back at the Election of the Party Injured, to be ordered by any Juſtice of the Peace to any Conſtable in the Precincts.

That no Perſon ſhall Ride, Load, or Carry on his Employers Horſes, Cattle, Carts, and Carriages (or willingly ſuffer the ſame to be done) any Goods or thing whatſoever, other than the Maſters or Miſtreſſes, with-

out ſuch Maſter or Miſtreſſes Conſent, on Penalty of Three Months Service for each and every ſuch Default.

And all Conſtables and Tythingmen are to be diligent in Apprehending and Searching for Run-aways, on Penalty of Twenty pounds for every Neglect, and upon the Apprehending of Run-aways, if the Maſter or Miſtreſs be known, the Servant ſhall be carried to the Maſters or Miſtreſſes neareſt home, on Penalty of Forty ſhillings; if not known, to the next Common Gaol, and the bringer to receive of Maſter, Miſtreſs, or Gaoler, Eight pence *per* Mile, ſo as the whole exceed not Forty ſhillings, which ſaid Gaoler is hereby impowered and commanded to receive ſuch Run-away or Run-aways, and to pay unto the bringer Eight pence *per* Mile as aforeſaid for every ſuch Run-away ſo brought to him, on Penalty of Forty ſhillings; and that it ſhall and may be Lawful for the Marſhal to detain and

and keep in Cuſtody the Bodies of all ſuch Run-aways ſo brought unto him, until the Maſter or Miſtreſs of them, or their Aſſigns ſhall pay unto him the full Sum of what he hath ſo paid for them, with Two ſhillings ſix pence *per* pound for laying out the Money, and ſo proportionably, and alſo ſix pence for every Twenty four Hours the ſaid Run-away hath been in his Cuſtody; and if the ſaid Marſhal ſhall ſuffer any Run-away ſo brought to him to eſcape, before he be duly delivered to his Maſter or Miſtreſs, or his or her Aſſigns, that then the ſaid Marſhal ſhall pay unto the Maſter or Miſtreſs of the ſaid Run-away, ſo much as he ſhall be Condemned in by the Verdict of a Jury at Common Law; alſo any one may take up any ſuſpected Perſons, and carry him or her to any Juſtice to be Examined.

That the Captain, or any other Commiſſion-Officer, ſhall at the Head of every their reſpective Company

and Troop, Publiſh, or cauſe to be Publiſhed this preſent Act once every Twelve Months, under the Penalty of Five pounds.

Provided alſo, That the ſeveral Fines, Forfeitures, and Penalties before mentioned in this Act, and not declared where they ſhall be Recovered, and how Diſpoſed of, be one Moyety to our Soveraign Lord the King, his Heirs and Succeſſors, for and towards the Support of the Government of this Iſland and Contingent Charges thereof; the other to the Informer, to be Recovered by Action of Debt (if not exceeding Forty ſhillings) as all Penalties of Service, before any Juſtice of the Peace, and if above Forty ſhillings, and not for Service, in any Court of Record within this Iſland, wherein no Eſſoign, Protection or Wager of Law ſhall be allowed, any Law, Cuſtom, or Uſage to the contrary in any wiſe notwithſtanding.

And

And be it further provided, That no Perſon or Perſons ſhall be ſued, moleſted, or troubled for any Fine or Forfeiture againſt this preſent Act, unleſs the Party ſo Offending ſhall be ſued or impleaded for the ſame within two Years at the moſt after the ſaid Offence ſhall be committed.

An ACT

For the High-Ways.

FOR the better amending and keeping clear the Common High-ways, and known broad Paths within this Iſland, leading to Church and Market, and for laying out New High-ways, and turning Old High-ways, where it ſhall be needful, be it Enacted and Ordained by the Governour, Council, and Aſſembly, and it is hereby Enacted and Ordained by the Authority of the ſame, that the Veſtry of each Pariſh, or the Major part of them, ſhall, on every third Monday in *January* before Noon at their Pariſh Church, or other Convenient place, chooſe four or more Freeholders, each ſeized of at leaſt Thirty Acres Free-hold in Right of himſelf or Wife, to be Surveyors for the Year enſuing; if the Veſtry neglects, each Perſon

Perſon abſent or negligent ſhall forfeit forty ſhillings, and the Juſtices at their next Seſſions being informed thereof, ſhall appoint four or more ſuch Surveyors as aforeſaid, every Perſon ſo Choſen or Appointed ſhall within Ten Days (due Notice being given him by the Clerk of the Veſtry) procure himſelf to be Sworn before ſome Juſtice in the ſaid Pariſh, Diligently and Faithfully to perform the ſaid Office for the Year enſuing, and give a juſt Account to the Juſtices and Veſtry (if required) of what he ſhall receive, pay, or do, by virtue of his Office, on Penalty of Ten pounds *Sterling*.

That the Surveyor being Sworn as aforeſaid, ſhall within ſixteen Days after their having viewed and conſidered the High-ways and Bridges, inform the Juſtices and Veſtry of the Defects, Wants, and Alterations needful in the ſame, to the end (as they are hereby empowered) the ſaid Juſtices and Veſtry may lay a Tax of

ſuch Money, Labour, or other things, as to them ſhall ſeem convenient and neceſſary, which if the Juſtices and Veſtry ſhall not do before the laſt day of *February* in each Year, then the ſaid Surveyor ſhall make ſuch Tax in Writing, which being Confirmed by any two Juſtices in the ſaid Pariſh, ſhall ſtand good till ſome Complaint be made at the Quarter-Seſſions in that Pariſh, and the Juſtices then and there to confirm or alter the ſame without Appeal from thence.

That the High-ways be ſixty foot wide in ſtanding Wood, forty foot where the Wood is onely on one ſide, and twenty four foot in open Ground, and that the Surveyors have Power to cut down, dig up or remove as well all ſorts of Trees, Buſhes, Prickle, Fences, Rails, Gates or Incloſures, or other thing or things, as may any ways ſtraighten, hurt, hinder, or incommode the High-ways, as alſo to dig for Stone or Gravel, Clay, Marl, Sand or Earth in any Land not Planted

Planted or Incloſed, as Yard or Garden to a Houſe, or to Preſs any Cart, Carriage, Workman, or other thing fit to be employed in the High-ways for ſuch Reaſonable ſatisfaction to the Parties concerned, as ſuch Surveyor can agree for, and in caſe of Diſagreement, ſuch as the next, or any Juſtice in the Pariſh ſhall appoint. *Provided* Nevertheleſs, that where Gates are, or ſhall be erected, of at leaſt Ten foot between Poſt and Poſt, or the High-way ſtreightned by Incloſure on both ſides, but the way ſo well kept by Cauſey-way or otherwiſe, that two Carriages may meet and paſs each other, and the Ground as firm as is neceſſary, then the ſaid Surveyors ſhall forbear to pull down or remove ſuch Gates or Fences, any thing herein ſeeming to the contrary notwithſtanding. But if any Perſon ſhall again erect, or cauſe any Nuſance, in the High-ways, which was by the Surveyor removed, for ſuch Offence he or they ſhall forfeit five pounds.

And

And in Caſe where a New Path or Road is wanting, or where Old Ways may, with more Conveniency be turned or altered, or where to ſome Plantation or Plantations no High-ways are yet laid out, to lead them into the High Roads which go towards the Market or Church, or to any convenient Harbour or Landing-place, fitting for receiving a Shoar or Shipping off any Goods, upon Notice thereof given to any Juſtice of the Peace, he ſhall on requeſt iſſue his Warrant to the next Conſtable in the ſaid Pariſh to Summon a Jury to meet at ſome convenient place and Day, therein to be mentioned, to view and lay out, or alter ſuch Path or Roads, which ſaid Juſtice is hereby impowered to adminiſter an Oath to the ſaid Jury, that according to the beſt of their Skills and Judgments, and with moſt Conveniency to the Publick, and leaſt Prejudice or Damage to any particular Perſon, they will lay out ſuch Way, which having done, the Surveyor is to make Return there-

of

of to the Juſtices at the next Quarter-Seſſions of the Pariſh, where the ſame Way is, as well under his own, as the Hand of the Jurors, by whoſe Oath the ſame is laid out, to the end the ſame may be there Filed, or Recorded, and after known for a Publick High-way. And if the ſaid Surveyor ſhall neglect his Duty therein, he ſhall forfeit Twenty pounds. And be it further Enacted, That every Veſtry with conſent of the Juſtices, may agree for two Years with particular Perſons for their Parts and Proportion of the Ways by them to be cleared, as alſo with the Surveyors what part of the Pariſh they ſhall look after, and ſuch Agreements ſhall diſcharge the Parties from other Duties, than what is agreed for, as alſo the Surveyor from looking after any other part than what is allotted him, and ſuch Juſtices and Veſtry-Men are to Record all their doings touching the Ways in the Veſtry-Book, which Record in all places ſhall be deemed good Evidence.

And

And the ſaid Surveyors may reſpectively iſſue their Warrants to the Conſtable or Tything-men to warn in Workers, or to levy Money according to the Tax or Rate made as aforeſaid, and whoſoever ſhall fail to ſend in his proportion of Workers, with ſuch Tools as ſhall be convenient, ſhall for every Head pay three ſhillings *per* day upon Conviction, to be Recovered before any Juſtice of the Peace by the Surveyor.

And if any Juſtice neglect his Duty touching the Premiſſes or any part thereof, he ſhall forfeit Ten pounds, and every Veſtry-man, Surveyor, Conſtable, Tything-man, Juror, or Clerk of the Veſtry, who ſhall neglect his or their Duty, where no Penalty is before ſet, ſhall reſpectively forfeit Five pounds for each Offence.

All

All which ſaid Forfeitures ſhall be to the Uſe of the High-ways, and if not exceeding Forty ſhillings, to be Recovered by Action of Debt before any Juſtice of the Peace, if above Forty ſhillings, in any Court of Record, where no Eſſoign, Protection, or Wager of Law ſhall be allowed.

An

An ACT

Appointing the Prices of Meat.

BE it Enacted and Ordained by Governour, Council, and Aſſembly, and it is hereby Enacted by the Authority of the ſame, that no Perſon or Perſons upon any pretence whatſoever ſhall preſume to ask, demand, and receive for freſh Beef, Mutton, or Goat, any more, greater or higher rate or price than hereafter is mentioned, *viz.* For freſh Beef or Goat four pence *per* pound, and Mutton ſix pence, to be weighed without the Heads, Entrails, or Feet, and that the Sewet be Sold at no higher Rates than the Meats aforeſaid, under Penalty of forfeiting Twenty pounds currant Money of this Iſland, for every time they ſhall take, ask, or receive any higher price, and if any Perſon

Perſon or Perſons ſhall refuſe to ſell any Beef, Mutton, or Goat by weight, he or they for every ſuch Offence ſhall forfeit Twenty pounds currant Money of this Iſland.

And be it further Enacted by the Authority aforeſaid, that any Perſon whatſoever that ſhall deſtroy any Turtle Neſts, or take away any of the Eggs thereof upon any Bay or place within this Iſland, where the Turtle ſhall lay, ſhall forfeit forty ſhillings currant Money of this Iſland, or receive ſo many Laſhes on the bare Back, as any Juſtice ſhall Order, not exceeding Nine and Thirty for every ſuch Offence.

The one third part of all the aforeſaid Penal Sums of Money ſhall be to our Soveraign Lord the King, his Heirs and Succeſſors for and towards the Support of the Government of this Iſland, and the Contingent Charges

Charges thereof, one Third to the Church-wardens for the Uſe of the Pariſh, the other Third to the Informer, to be Recovered in any Court of Record within this Iſland by Bill, Plaint or Information, in which no Eſſoign, Wager of Law, or Protection ſhall be allowed.

An

An ACT

Againſt Blaſphemy, and for preventing Diſorders in Ale-Houſes, Taverns, and Victualling-Houſes.

BE it Enacted and Ordained by the Governour, Council, and Aſſembly, and it is Enacted and Ordained by the Authority of the ſame, That no Perſon or Perſons whatſoever in this Iſland be enabled to have and receive any Licenſe or Licenſes from the Governour for the time being to Retail any ſtrong Liquors, unleſs they bring Yearly Certificates under the Hands of two of the Juſtices of the Peace living in the ſame Precincts, where the ſaid Perſon keeps, or intends to ſet up his Houſe of Entertainment, and have alſo given good Security in the Secretaries Office of

One Hundred Pounds that he ſhall ſuffer no Diſorders to be committed in his ſaid Houſe, or any thing there done contrary to the Laws of *England* or of this Iſland, and that no Perſons whatſoever preſume to ſell Rum or Rum-punch or any other Mixture of Rum without Licenſe firſt obtained from the Juſtices in Seſſions, and Security given to the Clerk of the Peace of the ſaid Precincts, under the Penalty of Forty ſhillings for every ſuch Offence.

Provided always, and it is hereby further Enacted and Ordained, That whatſoever Perſon ſo Licenſed as aforeſaid, ſhall Entertain or Receive any one in their Houſes, to Tipple or Drink in the time of *Divine Worſhip* or Service, ſhall forfeit Twenty ſhillings for every ſuch Offence, and the Perſon or Perſons there ſo found, ſhall pay each of them five ſhillings, both which Forfeitures ſhall be levyed by Diſtreſs by Warrant from any Juſtice of the Peace within this Iſland, and

and whoſoever ſhall by Publick and open Profaneſs or Blaſphemy Diſhonour Almighty God, and be thereof duly Convicted in the Supream Court of Judicature, ſhall be Fined Twenty pounds Currant Money of this Iſland, or more, at the Diſcretion of the Court for every ſuch Offence, and that ſuch as are either Servants or not worth ſo much, ſhall be lyable to ſuch Corporeal Puniſhment, as the Judges ſhall think meet, loſs of Life and Limb only excepted.

And it is further Enacted, That if any of the ſaid Perſons, ſo having received Licenſes as aforeſaid, ſhall keep or ſuffer any Common Gaming in their Houſes, they ſhall forfeit Ten pounds Currant Money of this Iſland; and whoſoever ſhall by falſe Dice or other Fraud or Deceit win any Money or other things ſhall forfeit treble the value thereof, being Convicted by Verdict, Confeſſion, or otherwiſe, and that no Sum exceeding forty ſhillings won at any Game, or betting

on the ſide of any, ſhall be recoverable, and all Bonds, Contracts, and Securities whatſoever for above the Sum aforeſaid, won as aforeſaid, ſhall be void. *Provided* nevertheleſs, that nothing herein contained ſhall be deemed or conſtrued to hinder or abridge any Maker of Rum, but that by himſelf, Servants, or others, he may vend and ſell the ſame pure and unmixt, any thing in this Act to the contrary in any wiſe notwithſtanding.

Provided alſo, That the aforeſaid Penalties mentioned in this Act, and not declared where they ſhall be Recovered, or how Diſpoſed of, be one half to Our Soveraign Lord the King, for and towards the Support of the Government of this Iſland, and the Contingent Charges thereof, the other to the Informer, who ſhall ſue for the ſame in any Court of Record within this Iſland, wherein no Eſſoign, Protection, Injunction, or Wager of Law ſhall be allowed.

An

An ACT

Impowering Juſtices of the Peace to decide Differences not exceeding Forty ſhillings.

WHereas, many inconveniencies may ariſe unto the Inhabitants of this Iſland by being vexed and troubled with Suits at Law for ſmall and trivial Injuries, Debts, and Treſpaſſes, wherein the accuſtomary Fees and Charges uſually exceed the Original Debt and Damages; for prevention whereof, Be it Enacted and Ordained by the Governour, Council, and Aſſembly, and it is hereby Enacted by the Authority of the ſame, That all manner of Debts, Treſpaſſes, and other Matters, not exceeding the value of forty ſhillings, wherein the Tithes of Lands are not concerned, ſhall and may be heard, adjudged, and determined by any of His Majeſties

Juſtices of the Peace of this Iſland, within their reſpective Precincts without Appeal, which ſaid Juſtices are hereby required upon Complaint made, to grant a Warrant or Summons againſt the Perſon complained of, thereby requiring him to appear and Anſwer the ſaid Complaint, and in caſe of Non-appearance, to iſſue out a Warrant of Contempt directed to the Conſtable to bring the Contemner before him, as well to Anſwer the ſaid Contempt, as the Plaintiffs Action, and may if he ſee Cauſe, fine the Contemner, provided the ſaid fine exceed not Ten ſhillings, to be for the Uſe of the Pariſh where ſuch Offence ſhall be committed, and after Judgment given in either Caſe, may grant a Warrant of Diſtreſs directed to the Conſtable to levy the ſaid Fine, Debt, Damages and Charges upon the Defendants Goods and Chattels, who by virtue thereof ſhall expoſe the ſame to Sale, returning the Overplus, if any be, to the Defendant, and for want of ſuch Diſtreſs, to take the

the Defendants Body into Cuſtody, and him carry and convey to the Common Gaol of the Precincts, there to remain till he ſhall have ſatisfied the ſaid Debt and Charges, and it ſhall be Lawful for the Juſtice of Peace to receive for each Warrant One ſhilling and Three pence, and no more, and for the Conſtable for ſerving of each Warrant the like Sum, together with ſix pence for each Mile he ſhall be compelled to Travel in Execution of the Premiſſes, provided the whole exceed not five ſhillings, and the Juſtice is hereby required to keep a Record of all ſuch Proceedings, under the Penalty of Ten ſhillings, the one half to be for the Poor of the Pariſh, and the other half to the Informer, to be Recovered as aforeſaid.

And whereas the Uncertainty of the Expiration of Laws heretofore made for the better Government of this His Majeſties Iſland may hereafter create ſome Doubts and Diſputes

concerning the Validity of the ſeveral Judgments made and given by the ſeveral Judges and Juſtices of the Peace within this Iſland, as alſo all the Proceedings of the Military Officers upon the ſame; for prevention whereof, Be it further Enacted and Ordained by the Authority aforeſaid, that all and every Judgment and Judgments made or given by any of the Judges or Juſtices of the Peace within this His Majeſties Iſland upon or by vertue of any of the aforeſaid Laws, and all other Proceedings whatſoever, and all and every Act or Acts, thing or things done or acted thereupon are hereby Ratified, Confirmed, and Adjudged Valid and Lawful to all intents and purpoſes whatſoever, and all and every Judge and Judges of the ſeveral Courts, the ſeveral Juſtices of the Peace, the Military Officers, and all other Perſons whatſoever within this His Majeſties Iſland, that have any ways Acted by or under the Authority of the aforeſaid Laws, or any of them, are hereby for ever ſaved and

and kept harmleſs, and indempnified againſt all manner of Perſons whatſoever, and if any Perſon ſhall be ſued or any ways moleſted by reaſon thereof, it ſhall be Lawful for him or them ſo ſued or moleſted to plead the general Iſſue, and give this Act in Evidence, any Law, Cuſtom, or Uſage to the contrary in any wiſe notwithſtanding.

An

An ACT

Rating Liquors Sold by Retail.

BE it Enacted and Ordained by the Governour, Council and Aſſembly, and it is hereby Enacted and Ordained by the Authority of the ſame, that from and after Publication hereof, all Vintners and Tavern-keepers, or any other Perſon or Perſons who do or ſhall Utter or Sell by way of Retail *Madera* Wines or Brandy, and ſhall preſume by any means directly or indirectly to take or receive above the Rates hereafter mentioned for the aforeſaid Liquors, *viz.* For *Madera* Wine fifteen pence the Quart, and Brandy two ſhillings and ſix pence the Quart, and ſo proportionably for a greater or leſſer Quantity, ſhall forfeit the Sum of forty ſhillings for every ſuch Offence,

to

to be levyed by Warrant from any of His Majeſties Juſtices of the Peace of the Precincts, where the Fault is committed, on the Goods and Chattels of any Perſon or Perſons ſo Offending, the one half of which Forfeiture ſhall be to the Church-Wardens for the Uſe of the Pariſh, the other to the Informer, any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

An

An ACT

For Compenſation of Mr. Nicholas Scarlet.

WHereas, *Nicholas Scarlet*, Gent. hath a long time lain under divers great and dangerous Wounds received in the Publick Service of this Iſland in purſuit of ſeveral Rebellious Negroes, by reaſon of a Command from his Superiour Officers, whereby he hath been a long time hindred from all manner of Employment, to his great Suffering, Damage and Charge, as alſo to the loſs of the Uſe of one of his Limbs, as hath ſufficiently been made appear to Us; to the end therefore that all Perſons, of the like Quality and forwardneſs to ſerve the Countrey, may, for the future, receive due Encouragement,

Be

Be it therefore Enacted by the Governour, Council and Aſſembly, and it is hereby Enacted and Ordained by the Authority of the ſame, that the ſaid *Nicholas Scarlet* ſhall, in Compenſation of the ſaid Loſs and Damage, have and receive out of His Majeſties Publick Revenue a Yearly Salary of Ten pounds during his Reſidence in this Iſland, which ſaid Sum of Money is hereby appointed to be paid by the Receiver for the time being out of the Treaſury when demanded, upon Penalty of Twenty pounds, the one half to our Soveraign Lord the King, his Heirs and Succeſſors, for and towards the Support of the Government of this Iſland, and the Contingent Charges thereof, and the other half to the Party aggrieved, to be Recovered in any Court of Record within this Iſland, by Bill, Plaint or Information, where no Eſſoign, Protection, or Wager of Law ſhall be allowed.

An

An ACT

For the Reſtraining and Puniſhing Privateers and Pirates.

WHereas nothing can more contribute to his Sacred Majeſties Honour, than that ſuch Articles as are Concluded and Agreed on in all Treaties of Peace, ſhould by all His Majeſties Subjects according to their Duty, be moſt inviolably preſerved and kept in and over all His Majeſties Dominions and Territories, and whereas not only againſt ſuch Treaties of Peace made by His Majeſty with his Allies, but alſo contrary to His Majeſties Royal Proclamation, ſeveral of his Subjects have and do continually go off from this His Majeſties Iſland of *Jamaica* into Foreign Princes Services, and Sail under their Commiſſions, contrary to their Duty and good Allegiance, and by fair means

means cannot be reſtrained from ſo doing.

Be it therefore Enacted by the Governour, Council, and Aſſembly, and it is hereby Enacted by the Authority of the ſame, that from and after Publication hereof, it ſhall be Felony for any Perſon, which now doth, or within four Years laſt paſt heretofore hath, or hereafter ſhall Inhabit or belong to this Iſland, to ſerve in *America* in an Hoſtile manner, under any Foreign Prince, State, or Potentate, or any Employed under any of them againſt any other Foreign Prince, State, or Potentate, in Amity with His Majeſty of *Great Britain*, without ſpecial Licenſe for ſo doing, under the Hand and Seal of the Governour or Commander in Chief of this Iſland for the time being, and that all and every ſuch Offender, or Offenders contrary to the true intent of this Act, being thereof duly Convicted in His Majeſties Supream Court of Judicature within this Iſland, to which Court Autho-

Authority is hereby given to hear and to determine the ſame, as in other Caſes of Felony, ſhall ſuffer pains of Death without Benefit of the Clergy.

Provided nevertheleſs, that this Act, nor any thing therein contained, ſhall extend to any Perſon or Perſons, which now are or have been in the Service or Employment of any Foreign Prince, State, or Potentate whatſoever, that ſhall return to this Iſland, and leave and deſert ſuch Service and Employment before the firſt day of *January* next enſuing, rendring themſelves to the Governour or Commander in Chief for the time being, and giving him ſuch Security as he ſhall appoint for their future good behaviour, and alſo that they ſhall not depart this Iſland without the Governours Ticket.

And for the better and more ſpeedy Execution of Juſtice upon ſuch, who having Committed Treaſon, Piracies, Felonies,

Felonies, and other Offences upon the Sea, ſhall be Apprehended in, or brought Priſoners to this Iſland, Be it further Enacted by the Authority aforeſaid, That all Treaſons, Felonies, Piracies, Robberies, Murthers, or Confederacies committed, or that hereafter ſhall be committed upon the Sea, or in any Haven, Creek, or Bay, where the Admiral hath Juriſdiction, ſhall be Inquired, Tryed, Heard, Determined, and Judged within this Iſland, in ſuch like form, as if ſuch Offence had been Committed in and upon the Land, and to that end and purpoſe Commiſſions ſhall be had under the Kings Great Seal of this Iſland, directed to the Judge or Judges of the Admiralty of this Iſland for the time being, and to ſuch other ſubſtantial Perſons, as by His Majeſties Governour or Commander in Chief of this Iſland for the time being, ſhall be named or appointed, which ſaid Commiſſioners, or ſuch a *Quorum* of them, as by ſuch Commiſſion ſhall be thereunto Authorized, ſhall have full

Power to do all things in and about the Inquiry, Hearing, Determining, Adjudging, and Puniſhing of any of the Crimes and Offences aforeſaid, as any Commiſſioners to be appointed by Commiſſion under the Great Seal of *England*, by virtue of a Statute made in the Twenty Eighth Year of the Reign of King *Henry* the Eighth, are Impowered to do and execute within the Kingdom of *England*, and that the ſaid Offenders, which are, or ſhall be Apprehended in, or brought Priſoners to this Iſland, ſhall be liable to ſuch Order, Proceſs, Judgments, and Execution, by virtue of ſuch Commiſſion to be grounded upon this Act, as might be awarded or given againſt them, if they were proceeded againſt within the Realm of *England*, by virtue of any Commiſſion grounded upon the ſaid Statute.

And all Tryals heretofore had againſt ſuch Criminal or Criminals before any Judge or Judges by virtue of ſuch Commiſſion or Authority at any time

time heretofore granted, and all Proceedings thereupon, are hereby Ratified, Confirmed, and Adjudged Lawful, and all ſuch Judges, with all and every the Inferiour Officers, that have Acted thereby, are hereby indemnified to all intents and purpoſes whatſoever, and in caſe they, or any of them, ſhall at any time hereafter be ſued, vexed, moleſted or troubled for any ſuch their proceedings as aforeſaid, he or they ſo ſued, vexed, or moleſted ſhall plead the General Iſſue and give this Act in Evidence, any Law, Statute, Cuſtom or Uſage to the contrary in any wiſe notwithſtanding.

And Be it further Enacted by the Authority aforeſaid, That all and every Perſon or Perſons, that ſhall any way knowingly Entertain, Harbour, Conceal, Trade or hold any Correſpondence, by Letter or otherwiſe with any Perſon or Perſons, that ſhall be deemed or adjudged to be Privateers, Pirates, or other Offen-

ders within the Conſtruction of this Act, and that ſhall not readily endeavour to the beſt of his or their Power to Apprehend or cauſe to be Apprehended ſuch Offender or Offenders, ſhall be liable to be Proſecuted, as Acceſſaries and Confederates, and to ſuffer ſuch Pains and Penalties, as in ſuch Caſe by Law is provided. And for the better and more effectual Execution of this Act

Be it further Enacted by the Authority aforeſaid, That all Commiſſion-Officers, in their ſeveral Precincts within this Iſland, are hereby required and empowered upon his or their knowledge or Notice given, That any Privateers, Pirates, or other Perſons ſuſpected to be upon any unlawful Deſign, are in any place within their reſpective Precincts, to raiſe and levy ſuch a Number of well Armed Men, as he or they ſhall think needful for the Seizing, Apprehending and carrying to Gaol all and every ſuch Perſon or Perſons, and in caſe of any Re-

Reſiſtance or Refuſal to yield Obedience to His Majeſties Authority, it ſhall be Lawful to kill or deſtroy ſuch Perſon or Perſons, and all and every Perſon or Perſons that ſhall Oppoſe or Reſiſt, by ſtriking or Firing upon any of the Commanded Parties, ſhall be deemed, taken, and adjudged as Felons without Benefit of the Clergy, and every ſuch Officer that ſhall omit or neglect his Duty herein ſhall forfeit Fifty pounds currant Money of this Iſland for every ſuch Offence, to be Recovered in any of His Majeſties Courts of Record within this Iſland, by Bill, Plaint, or Information, wherein no Eſſoign, Wager of Law, or Protection ſhall be allowed; one Moyety thereof to be to our Soveraign Lord the King, his Heirs and Succeſſors, for and towards the Support of the Government of this Iſland and the Contingent Charges thereof, and the other Moyety to the Informer, and all and every Perſon or Perſons, that upon Orders given him or them ſhall refuſe to repair immediately with his

or their Arms well fixed, and Ammunition, to ſuch place or places as ſhall be appointed by the ſaid Officer, and not readily Obey his Commands in the Execution of the Premiſſes, ſhall be liable to ſuch Fine or Corporeal Puniſhment, as by a Regimental Court Marſhal ſhall be thought fit.

Provided further, that the Governours Aſſent to the paſſing of this or any other Act, ſhall not extend, or be Conſtrued to extend to the determining of this preſent Seſſions of the Aſſembly.

An

An ACT

Aſcertaining the Quit-Rents and manner of Receipt thereof.

BE it Enacted and Ordained by the Governour, Council, and Aſſembly, and it is hereby Enacted by the Authority of the ſame, That a Patent Sealed under the Great Seal of this Iſland, and Recorded in the Office of Inrolments Eſtabliſhed in this Iſland ſhall Evidence the Patentee or Patentees juſt Right and Title to all and every parcel of Lands, Houſe or Houſes, Tenements or other things in the ſaid Patent granted, and be a good Bar to the Right and Title of His Majeſty, his Heirs and Succeſſors: And to the End His Majeſties Grants may not be hindred, delayed, or obſtructed, the Keeper of the Seal, or Chancellor for the time being, ſhall and is hereby obliged the next Tueſday

before each Grand Court to cauſe all ſuch Grants and Patents, as are in the Office, to be Sealed at *St. Jago de la Vega*, and all Inferiour Officers, who are concerned in drawing and paſſing the ſame, are then and there likewiſe to be ready to do their Duty.

And foraſmuch as all Titles of Land are derived from His Majeſty, and the Land hath been laid out, and Patents made by His Majeſties Officers, in which many Errors or Miſtakes may have happened, which according to the ſtrict Rules of Law, might make many Grants void in all, or in part, Be it therefore Enacted by the Authority aforeſaid, That all Lands granted or hereafter to be granted by His Majeſty, his Heirs or Succeſſors, upon Surveys made or to be made, be for ever good to the Patentee, and to thoſe to whom the Right of the Patentee ſhall come, for all Lands comprized within the Survey or Bounds, any Miſnomer, Misbounding or Miſtaking of Quantity, or other Error not,

notwithſtanding, againſt His Majeſty, his Heirs and Succeſſors, or any other Perſon or Perſons claiming under him or them for ever, and that all ſuch Grants ſhall be taken as ſtrongly againſt His Majeſty, his Heirs and Succeſſors, as the Grants of any other Perſon or Perſons ſhould or ought to be taken againſt him or them, or his or their Heirs or Aſſigns. *Provided nevertheleſs*, and be it further Enacted by the Authority aforeſaid, That where either His Majeſty or the Patentee are aggrieved by Miſtake in Quantity, a re-ſurvey ſhall be made, by one Surveyor indifferently Sworn between the King and Patentee, or who claimeth in his Right, before any of His Majeſties Juſtices of the Peace, upon which re-ſurvey a Confirmation of the former Grant ſhall iſſue under the Seal of this Iſland reciting the Error, and reſerving for the future the ſame Rent mentioned in the ſaid Grant according to the juſt Quantity found by ſuch re-ſurvey, for which Confirmation the Chancellor

lor ſhall receive Ten ſhillings, and the Clerk of the Patents Eight ſhillings and no more, to be paid as all other Charges of the ſaid re-ſurvey by the Party requiring the ſame, but no Retróſpect ſhall be had to what Rent ought to have been paid, be the Quantity more or leſs, any thing in this Act contained to the contrary in any wiſe notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That if any Diſpute ſhall ever ariſe upon any Survey, wherein the Survey or Plot given into the Patent-Office ſhall vary from the real Run and marked Lines, in all ſuch Diſputes the Judges before whom the ſame ſhall happen, ſhall adjudge the real Run and marked Lines, which are proved before them to be Run and Marked, to be the bounds of the Lands granted, any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

And

And Whereas there have been uncertainties and Diſputes in the payment of His Majeſties Quit-Rents reſerved in the Patents formerly granted, by reaſon of the words, Manured and Planted; and whereas his ſaid Majeſty hath been and now is Graciouſly pleaſed, that whatſoever ſhall ariſe from the Quit-Rents, ſhall be applyed towards the Support of the Government, and defraying the Contingent Charges of this Iſland, in Conſideration whereof, and to aſcertain the ſame, Be it Enacted and Ordained by the Authority aforeſaid, That every Parcel or Parcels of Land of what Nature and Quality ſoever granted and Patented before the Twenty fifth Day of *June*, One Thouſand Six Hundred Seventy and One, ſhall for Arrears and growing Rents pay for every Thirty Acres Annually the Sum of one ſhilling, and ſo proportionably for every Parcel under one hundred Acres, and for every hundred Acres two ſhillings ſix pence, and proportionably for a greater Quantity, and

for

for all Lands of what Quality ſoever from the aforeſaid time to the Twelfth Day of *March* One Thouſand, Six Hundred Seventy and Four, ſhall pay one half peny *per* Acre, and ſo proportionably for a greater quantity; and for Foot-Land, one half peny *per* Foot for two ſides of the Square added together, and ſo proportionably for a greater or leſſer quantity, as a certain eſtabliſhed Quit-Rent and Acknowledgment to His Majeſty, his Heirs and Succeſſors for ever, any Law, Cuſtom, or Uſage, or any thing contained in the ſaid Patents to the contrary notwithſtanding.

And for the more ſpeedy and eaſie Collecting of the ſaid Quit-Rents, Be it further Enacted by the Authority aforeſaid, That the Receiver of the Quit-Rents, or his Lawful Deputy ſhall twice every Year (to ſay) after each Feaſt of St. *Michael* the Arch-Angel, and of the Annunciation of the Bleſſed Virgin *Mary*, keep an Office in the Town of St. *Jago de la Vega*,

Vega, in the Pariſh of St. *Catharines*, and in the Town of *Port Royal* during the ſpace of one Month at each place, and then and there to Receive the Quit-Rents from the Perſons concerned, which ſaid Office he ſhall attend from the Hours of Eight to Eleven before Noon, and from the Hours of Two to Five in the Afternoon, and upon Receipt of His Majeſties Quit-Rents, thereof to Acquit and Diſcharge all Perſons, on the Penalty of Five pounds *Sterling*, which ſaid Penalty ſhall be, the one half to His Majeſty, his Heirs and Succeſſors for and towards the Support of the Government of this Iſland and Contingent Charges thereof, and the other half to the Informer, to be Recovered in any Court of Record within this Iſland, wherein no Wager of Law, Eſſoign, Protection or Injunction ſhall be allowed.

An

An ACT

For preventing Damages in Plantations, Preſerving of Cattle, and Regulating Hunting.

BE it Enacted by the Governour, Council, and Aſſembly, and it is hereby Enacted by the Authority of the ſame, That all Plantations bounding in Savanna's, High-ways, Watering-places, and all Paſtures made out of Wood-land, ſhall make ſufficient Fences, which ſufficient Fences ſhall be judged by Oath of Three Free-holders before any one of His Majeſties Juſtices of the Peace, which ſaid Free-holders ſhall be Choſen, one by the Party grieved, the other by the Owner of the Cattle, and the other by the Juſtice of the Peace, and if either of them do not appear, or refuſe to make their Choice, that then in ſuch Caſe the ſaid Juſtice ſhall name

name two, and what Damage ſhall be done by any Stock in any Plantation ſo Fenced as aforeſaid, the ſaid Damage to be Appraiſed upon the Oath of the ſaid Three Free-holders, and the Owners of the ſaid Stock ſhall pay double the ſaid Damage ſo committed or done by their Cattle, Proof being made appear by the Oath of one or more, to be Recovered before any Juſtice of the Peace, if not exceeding Forty ſhillings, if above, in any Court of Record by Action of Debt.

And it is further Enacted and Provided by the Authority aforeſaid, That no Perſon or Perſons whatſoever ſhall kill or deſtroy any Cattle, Horſe, Mare, Mule, or Aſinego, but he, ſhe, or they who ſhall kill or deſtroy any of the afore-mentioned Stock, ſhall forfeit for each they ſhall kill or deſtroy the Sum of Fifteen pounds currant Mony, to be Recovered by Action of Debt in any Court of Record within this Iſland by the Owner or Proprietor of the ſaid Beaſt.

And

And it is further Enacted by the Authority aforesaid, That all Owners of Neat Cattle shall keep one White Man at each respective Pen, and at all Pens whereunto belongs above Two hundred Cattle, the Owner of such Pen shall keep two White Men, upon pain of forfeiting Ten pounds for every White Man, that shall be wanting as before, for the space of Three Months, to be Recovered in any Court of Record by Action of Debt, the one half to the Parish for the Use of the Poor, the other Moyety to the Informer, or him that sues for the same.

And it is further Enacted by the Authority aforesaid, That all Persons and Owners of Cattle, that shall fail to Pen their Cattle once in three Nights, at the least, that all such Cattle doing Damages shall pay double the Damage, to be Recovered as aforesaid.

And

And it is further Enacted by the Authority aforeſaid, That all Strays of any ſort of Cattle, where ever they ſhall be found and taken up, ſhall belong to the Proprietor of the Ground where they are accuſtomed to feed, *Provided* the ſaid Proprietor cauſe the ſaid Stray or Strays to be Cryed by the Common Cryer three diſtinct Court Days in the Court of the ſaid Precinct, deſcribing all the Marks of the ſaid Stray, with the Age and Kind; and further that the ſaid Proprietors do turn looſe again the ſaid Stray, to continue in the ſame feeding Ground where the ſame was accuſtomed to feed, and tying a Withe about the Neck of the ſaid Stray (which ſhall be a Common Mark for Strays) and in that manner to continue one whole Year from the firſt taking up or Penning of the ſame. *Provided* further, that if in the mean time no Perſon ſhall Challenge or Claim the ſame, that then the property of all ſuch Strays remain to the Proprietor of the Ground as

before, they giving Satisfaction for taking up the ſaid Stray. *Provided always*, That this Act extend not to any Ear-marked or Burnt-marked Beaſt, Horſe, Mare, Colt, or any other ſort of Cattle, but all ſuch ſhall belong to the Owners or Proprietors of the ſame, if Claimed at any time after the expiration of the Year.

It is further Enacted by the Authority aforeſaid, That the Clerks of each reſpective Courts of Record in this Iſland are hereby empowered to make Entry and Toll any ſort of Cattle, that ſhall be Sold from one Perſon to another, taking as near Deſcription of the ſeveral Marks, Natural or otherwiſe, as can be, and vouched by two ſufficient Perſons known to the Clerk, which Entry or Toll ſhall be good againſt any former Sale or Bargain, or any other Title whatſoever, except in all ſuch Caſes where the Provoſt Marſhal or his Deputy hath levied the ſame by Execution, and the Clerk of the ſaid Court ſhall

ſhall take Twelve pence for each ſuch Entry and for keeping a Record of the ſame, and no more.

And it is further Enacted by the Authority aforeſaid, That no Perſon whatſoever ſhall preſume to carry any Fire, or ſmoak Tobacco in any *Savanna* or Plantation, or High-ways whatſoever, under the Penalty of Ten ſhillings for each time they ſhall ſo offend, and be further liable to pay all Damages that ſhall accrue to any Perſon or Perſons by means of the ſame, to be Recovered (if not exceeding Forty ſhillings) before any Juſtice of the Peace, if exceeding Forty ſhillings, by Action of Debt in any Court of Record within this Iſland: And if the Perſon ſo offending, be not able to make Satisfaction, then the ſaid Perſon ſhall be Whipped for every ſuch offence at the Diſcretion of any one Juſtice of the Peace. *Provided*, That this Clauſe extend not to Owners of Land, to carry Fire in their own Plantations, or burn their

own *Savanna*, yet to be liable as before, if thereby they injure or burn any other Persons *Savannas*, or Plantations, and that all Penalties for carrying of Fire, shall belong to the Person that sues for the same.

And whereas it is found by Experience that several Common Drivers of Cattle, or Horse-catchers do frequently Ride and drive Gangs of Mares and other Cattle from off their own Feeding Ground or Pasture, whereby those that are big, cast their Young, and Young ones are often separated from their Dams, and do likewise often deface the Marks of such Cattle and Horses, or new Mark them for themselves or others with wrong Marks, to the great Damage of all such Proprietors; for prevention whereof, Be it further Enacted by the Authority aforesaid, That no Person or Persons whatsoever shall hereafter presume to drive or ride in any *Savanna* as a Common Horse-catcher after any Horses or Mares without having

having firſt given Security for their Honeſty, and obtained leave from the Proprietor or Proprietors of ſuch *Savanna's* or the Major part of them, under the Penalty of Twenty pounds, to be Recovered as aforeſaid, one third part whereof ſhall be to our Soveraign Lord the King, his Heirs and Succeſſors, for and towards the Support of the Government of this Iſland and the Contingent Charges of the ſame, one third part to the Proprietor or Proprietors of ſuch *Savanna's* where the Offence ſhall be committed, the remaining third to the Informer, or he that ſhall ſue for the ſame.

And it is further Enacted by the Authority aforeſaid, That if any ſuch Common Driver or Horſe-catcher, or any other Perſon employed by or for him or them, ſhall preſume to Sell or Barter any Horſe, Mare, or Colt, or other Cattle, but ſuch as he ſhall bring two ſufficient Free-holders of the place where he doth Inhabit, or

other good ſufficient Evidence to vouch before the Clerk of ſome Court of Record within the Precincts where they ſhall be Sold or Bartered as aforeſaid, that he bred them, or otherwiſe came Lawfully poſſeſſed of them, under the Penalty of Fifty pounds, to be Recovered and Diſpoſed of as aforeſaid. And whoſoever ſhall Buy, Barter, or Bargain with any ſuch known Horſe-catcher or Driver, for any Cattle or Horſes without the ſame be firſt vouched as aforeſaid, he, ſhe, or they ſo Offending ſhall for every ſuch Offence forfeit and pay the Sum of Twenty pounds, to be Recovered and Diſpoſed of as aforeſaid.

And it is further Enacted by the Authority aforeſaid, That if any Driver or Horſe-catcher ſhall at any time hereafter fraudulently or deſignedly put any falſe Burnt Mark, Ear-mark, or any other Marks, or deface any old Mark, he or they ſhall for ſuch Offence be guilty of Felony.

It

It is further Enacted by the Authority aforeſaid, That no Perſon or Perſons that are Keepers or Owners of Goats, ſhall ſuffer their Goats to feed in any Perſons Land except their own, and if any do ſuffer the ſame to feed in any Perſons Land, it ſhall be deemed Treſpaſs, and the Owner of the Land ſhall Recover in any Court of Record full Coſts of Suit in the ſaid Action; beſides what Damage ſhall be given by the Jury.

Be it further Enacted by the Authority aforeſaid, That no Perſon whatſoever ſhall be capable of Hunting with any Gang of Dogs in this Iſland, that is not a Planter in it, and hath not at leaſt five Acres of Land Planted, and that any Perſon that ſhall preſume to Hunt any Gang of Dogs within this Iſland, being not Qualified as aforeſaid, ſhall forfeit for every ſuch Offence his Gang of Dogs, and the Sum of Ten pounds *Sterling*, to be Recovered in any Court of Record within this Iſland, by Bill, Plaint, or

Information, the one Moyety or half part of all ſuch Forfeitures ſhall be to our Soveraign Lord the King, his Heirs and Succeſſors, for the Support of the Government and Contingent Charges thereof, and the other Moyety ſhall be to the Informer, or any Perſon that ſhall ſue for the ſame. And it ſhall not be Lawful for any Planter or Planters in this Iſland to own any Hunting Gang of Dogs which ſhall not properly belong to themſelves, their Mates in Planting, or Hunted by their Servants, under the Penalty of Ten pounds *Sterling* for each time he or they ſhall ſo offend, to be Recovered in manner and form aforeſaid, and to be diſpoſed of as aforeſaid.

And it is further Enacted and Ordained by the Authority aforeſaid, That if any Hunting Gang of Dogs ſhall kill or maim any Tame Stock belonging to any Planter or Perſon whatſoever, or do him or them any Prejudice or Damage, the Party ſo Damnified, if the Damage amount to not

not above forty ſhillings, Satisfaction for the ſame ſhall be Recovered by Warrant from any Juſtice of the Peace, but if it amount to more than forty ſhillings, the Perſon or Perſons ſo injured ſhall ſue for the ſame at Common Law. And if any Perſon ſhall kill or maim any manner of Tame Stock, as Sheep, Hogs, or Goats, either by Hunting or otherwiſe, and ſhall not forthwith diſcover the ſame to the next Juſtice or Conſtable, to the end the Damage may be known and Recovered, as aforeſaid, ſuch Offender killing, maiming, or injuring any ſuch Tame Stock, and not diſcovering it as aforeſaid, ſhall pay five pounds for every Default, beſides Damages to be Recovered by the Party Injured in any Court of Record.

It is further Enacted and Ordained by the Authority aforeſaid, That no Perſon whatſoever ſhall Hunt any Gang of Dogs within four Miles of any Crawl or Settlement (except in his

his own Land, or leave from the Proprietor of the ſame, upon pain of Ten pounds *Sterling*, and that no Perſon or Perſons whatſoever ſhall ſet any Snare or Engine in any place whatſoever (his Planted Ground only excepted) under Penalty of forty ſhillings for every time any Perſon ſhall ſo Offend in either of the Premiſſes, to be Recovered as aforeſaid, and diſpoſed of as aforeſaid, and to pay all other Damages that ſhall accrue by the ſame.

An

An ACT

Securing the Purchaſers of Thomas Bun's *Land upon* Port Royal.

WHereas, one *Thomas Bun*, late of this Iſland, in the Fourteenth Year of His Majeſties Reign, Patented a certain Parcel of Land on *Port Royal*, and after that, Conſtituted and Appointed one *Martin Vanolphin* his Attorney, thereby giving him full Power and Authority for him, and in his Name, to Bargain and Sell all and ſingular the Lands and Tenements of the ſaid *Thomas Bun*, and that he the ſaid *Martin Vanolphin*, in purſuance of the aforeſaid Authority, did for a Valuable Conſideration, well and truly paid to the aforeſaid *Thomas Bun*, Bargain and Sell the aforeſaid Parcel of Land unto *William Parker*, Eſquire, and *Robert Swanley*, and

and that a Moyety of the ſaid Land was Sold by the ſaid *Swanley* to one *Thomas Tothill*, Deceaſed, whoſe Eſtate real was, in purſuance of an Act of this Iſland, expoſed to Sale, and Sold for and towards the Satisfaction of the juſt Debts of the ſaid *Thomas Tothill* to Sir *Charles Modyford*, Baronet, and the whole Purchaſed as aforeſaid, Sold by the ſaid Sir *Charles Modyford*, Baronet, and *William Parker*, Eſq; to *Edward Teomans*, Eſq; for a Valuable Conſideration, and the aforeſaid Letter of Attorney, through the Ignorance and Neglect of thoſe Times, not Proved and Recorded, as the Law of this Iſland now requires, To the intent therefore that the ſeveral Purchaſers may for ever hereafter be quieted in their ſeveral Purchaſes, and ſecured in their Titles and Covenants, and a ſpeedy Improvement made by Building thereon. Be it therefore Enacted and Ordained by the Governour, Council, and Aſſembly, and it is hereby Enacted and Ordained by the Authority of the ſame, That the

Sales

Sales made as aforeſaid by *Martin Vanolphin* to *William Parker*, Eſquire, and *Robert Swanley*, and the Sale or Sales of them and either of them unto any other Perſon or Perſons whatſoever, are and ſhall be deemed and adjudged good and effectual in the Law to all Intents, Conſtructions, and Purpoſes whatſoever, as if the ſaid *Thomas Bun* himſelf had, by his own Deed or Bargain and Sale, Actually and Really Sold and Conveyed the ſame, and all and ſingular the Land Sold and Conveyed, as aforeſaid, be and remain to the Heirs and Aſſigns of ſuch Purchaſer or Purchaſers, their Heirs and Aſſigns for ever, as ſhall Claim by, from and under the Title or Purchaſe of the ſaid Sir *Charles Modyford*, Baronet, and the ſaid *William Parker*, Eſq; any Law or Cuſtom, Uſage or Pretence of Right whatſoever to the contrary in any wiſe notwithſtanding.

An

An ACT

Encouraging the Importation of White Servants.

FOr*asmuch* as it is provided in an Act of this Countrey, Intituled, An Act for Regulating Servants, for the ſtrengthening and better Defence of this His Majeſties Iſland, every Maſter and Owner of Slaves ſhall have ſuch quantity of White Servants proportionable to the Number of Slaves as is therein directed, and as by the ſaid Act doth more plainly appear; and to the intent alſo all due Encouragement may be given Merchants, Maſters, and Importers of White Servants to bring the ſame, and may not then be diſcouraged nor their Servants lie upon their Hands for want of Buyers,

Be

Be it Enacted by the Governour, Council, and Aſſembly, and it is hereby Enacted by the Authority of the ſame, That no Merchant, Maſter, or Importer of White Servants, ſhall preſume to Sell any White Servant or Servants, before they have been Ten Days Imported, under the Penalty of Ten pounds for every ſuch Servant ſo Sold, the one Moyety to be to our Soveraign Lord the King, his Heirs and Succeſſors, for and towards the Support of the Government of this Iſland and the Contingent Charges thereof, the other Moyety to the Informer, to be Recovered by Bill, Plaint, or Information in any Court of Record within this Iſland, wherein no Eſſoign, Protection, or Wager of Law ſhall be allowed. *Provided* nevertheleſs, that for the Ten Days after Importation of any ſuch White Servants, as aboveſaid, the Factor or Seller ſhall pay the Maſter for their Diet aboard the Ship, nor ſhall they be removed by the ſaid Maſter from thence before the Ten Days

Days be paſt, under the Penalty aforeſaid, to be Recovered and Diſpoſed of as aforeſaid.

And be it likewiſe Enacted by the Authority aforeſaid, That whatſoever Maſter or Commander of any Ship or Veſſel, that ſhall bring in or Import into this Iſland to the Number of fifty White Male Servants, and due Proof upon Oath being thereof made before the Naval Officer (who is hereby empowered to adminiſter the ſame) ſhall for that Voyage be altogether freed and exempted from paying any Port-charges for the ſaid Ship or Veſſel, wherein the ſaid Servants ſhall be Imported, any other Cuſtom or Law to the contrary notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That any Debt or Debts Contracted for any Servant or Servants Sold within this Iſland, ſhall or may be Recovered by Warrant from any Juſtice of the Peace in the

the ſame manner as is provided in the Act empowering Juſtices of the Peace to decide Differences not exceeding forty ſhillings, any Law, Cuſtom, or Uſage heretofore to the contrary notwithſtanding.

And it is alſo hereby Enacted by the Authority aforeſaid, That from and after the Twenty fifth Day of *March* next enſuing, no Perſon or Perſons whatſoever, employing themſelves in the Trades or Exerciſes of Coopers or Porters within this Iſland ſhall uſe any Negro Slave or Slaves in their ſaid Trades or Occupations, under the Penalty of Twenty pounds for every ſuch Offence, to be Recovered and Diſpoſed of as aforeſaid.

Provided alſo, That nothing be herein Conſtrued to prohibit any Maſter or Owner of any Sugar-Work within this Iſland from making Cask at their reſpective Plantations, or other convenient place, as heretofore, any thing in this Act to the contrary notwithſtanding.

An ACT

For Regiſtring of Deeds and Patents.

BE it Enacted by the Governour, Council, and Aſſembly, and it is hereby Enacted and Ordained by the Authority of the ſame, That a Deed in due form of Law made and within three Months after the Date thereof acknowledged by the Party or Parties that grant the ſame, or Proved by the Oath of one ſufficient Witneſs or more before the Governour, or ſome one of the Judges of the Courts of this Iſland, and the ſame Recorded at length in the Office of Enrolments, which ſaid Office ſhall always be kept at St. *Jago de la Vega* within the ſaid three Months, ſhall be Valid to paſs the ſame without Livery, Seizin, Attornment, or any other Act or Ceremony in the Law

Law whatſoever, and that no Deed hereafter made without ſuch Acknowledgment or Proof and Enrolment ſhall be ſufficient to paſs away any Free-hold or Inheritance, or to Grant any Leaſe for above the ſpace of three Years.

Provided nevertheleſs, That any Old Deeds or Conveyances heretofore made for Lands or Houſes, and omitted to be Recorded upon being Acknowledged or Proved, and at any time after the making hereof, Recorded in the ſaid Office of Enrolments, ſhall be effectually Valid and of force, but if it ſhall happen that any ſecond Bill of Sale or Conveyance for a Valuable Conſideration be made by the ſaid Vendor or his Heirs for the ſame Land or Houſes, or any part thereof, and the ſame be duly Executed and Recorded, then it is hereby declared, that the laſt Vendee ſhall have and enjoy the ſaid Land or Houſes, any thing in this Proviſo or otherwiſe to the contrary notwithſtanding. And

if any Vendee hath omitted to execute and inroll his Deed within the time as aforeſaid, but ſhall at any time afterwards have done the ſame, no ſecond Sale being made by the firſt Vendor, his Heirs or Executors, the ſame ſhall nevertheleſs be good to the ſaid Vendee, his Heirs and Executors, and a perpetual Bar againſt the firſt Vendor, his Heirs and Executors, any thing in this Act or any other to the contrary notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That all Deeds and Conveyances granted and made out of this Iſland, and remitted hither, being Proved before the Governour or any of the Judges of the Courts of Common-Pleas as aforeſaid, and all thoſe Deeds and Conveyances where any Granter or Conveyancer ſhall Perſonally appear in His Majeſties Court held before the Lord Mayor and Aldermen of the City of *London* for the time being, and ſhall then and there

there own and acknowledge ſuch Deed, Grant, or Conveyance to be his Act and Deed, and an Atteſt thereof be made under the Seal of the Mayorality of the ſaid City, and the ſame be Recorded in the aforeſaid Office within ſix Months of the Arrival of the Ship that brought the ſame, ſhall to all intents and purpoſes whatſoever be as Valid, as if the ſaid Deeds or Conveyances had been here Made, Acknowledged, Proved, and Recorded according to the form and time herein before appointed.

Provided nevertheleſs, That if any Perſon here Lawfully empowered, ſhall in purſuance of that Power make Sale of any Lands or Free-hold to any Perſon whatſoever within this Iſland, and the Deeds thereof be duly Proved and Recorded according to the true meaning of this Act, before any Conveyance from the Proprietor or Proprietors of the ſame Land or Free-hold or any part thereof be here produced, proved, and Recorded as afore-

ſaid, the ſaid Deed ſo made and paſſed here ſhall ſtand good and effectual in the Law to all intents and purpoſes whatſoever.

And it is hereby further Enacted and Ordained by the Authority aforeſaid, That any Mortgage of any Lands, Tenements, Real or Perſonal Eſtates whatſoever within this His Majeſties Iſland, having received full Satisfaction and payment of all ſuch Sum and Sums of Money as are really due to him by ſuch Mortgage, ſhall at the Requeſt of the Mortgager, enter Satisfaction upon the Margent of ſuch Mortgage Recorded or to be Recorded in the Office of Enrolments, which ſhall for ever hereafter diſcharge, defeat, and releaſe the ſame, and ſhall likewiſe perpetually Bar all Actions brought, or to be brought thereupon in any Court of Record within this Iſland, and if ſuch Mortgagee ſhall not within three Months after requeſt and tender made for his reaſonable Charges repair to the Office of Enrolments, and

and there make ſuch Acknowledgment as aforeſaid, he, ſhe, or they ſo refuſing ſhall for every ſuch Offence forfeit and pay unto the Party or Parties aggrieved the Sum of fifty pounds Currant Money of this Iſland, to be Recovered in any of His Majeſties Courts of Record within this Iſland, by Bill, Plaint, or Information, wherein no Eſſoign, Wager of Law, or Protection ſhall be allowed.

And be it further Enacted and Ordained by the Authority aforeſaid, That it ſhall and may be Lawful for the Judges before whom ſuch Acknowledgment of Deeds or other Writings are and ſhall be made, to demand and receive for every Deed of the value of Twenty pounds or more, Ten ſhillings, and for every Deed under the value of Twenty pounds, Five ſhillings, and no more, under the Penalty of Twenty pounds, the one half to be to our Soveraign Lord the King, his Heirs and Succeſſors, for and towards the Support of the Government

of this Iſland and the Contingent Charges thereof, and the other half to the Informer, to be Recovered as aforeſaid.

And be it further Enacted by the Authority aforeſaid, That the Clerk of the Enrolments ſhall and may take and receive for Enrolling and Copying an Ordinary Deed, Grant, or Patent for one or more Parcels of Land, or any Deed or Conveyance not exceeding the length of ſuch Patent, five ſhillings; for every Deed exceeding the length aforeſaid eight pence *per* ſheet, accounting Twenty Lines to a ſheet, and eight Words to a Line; for every Short Writing not exceeding the length aforeſaid, Twelve pence; for Recording every Plot, one ſhilling and three pence; for ſearching the Record, Twelve pence; and for Ackowledging Satisfaction in the Margent of a Mortgage, recorded one ſhilling and three pence, and no more, under the Penalty of Ten pounds to the Uſes, and to be Recovered as aforeſaid. And

And be it likewiſe Enacted by the Authority aforeſaid, That all Patents already granted and not Enrolled ſhall be Enrolled in the Office of Enrolments within ſix Months, and all Patents hereafter to be granted ſhall be Enrolled within ſix Months after the Sealing ſuch Patents, which Enrolments, as likewiſe all ſuch as are already there Enrolled, ſhall be good and valid in the Law notwithſtanding any Clauſe inſerted in the ſaid Patents directing the contrary.

And whereas it is moſt manifeſt, That the Eſtates of ſeveral Orphans have been preſerved and vaſtly Improved by being, during their Minority, Leaſed out by their Guardians; and whereas it may be Diſputable whether ſuch Leaſes are Warranted by the Laws of *England*.

Be it therefore Enacted and Ordained by the Authority aforeſaid, That all Leaſes heretofore made or granted, or that hereafter ſhall be made

made or granted of the Eſtate of any Orphan, by the reſpective Guardian for any term of Years, not exceeding the Minority of ſuch reſpective Orphans, ſhall be good and valid in the Law, any Law, Cuſtom, or Uſage to the contrary in any wiſe notwithſtanding.

Provided always, That this Act or any thing therein contained, ſhall not extend to contradict or alter any Power given or to be given by the Parent to any Guardians, or to give liberty for the future to any Guardian to Leaſe out the Eſtate of. any Heireſs for any longer Term or Time, than till ſhe ſhall compleat the Age of Fourteen Years.

Be it likewiſe Enacted and Ordained by the Authority aforeſaid, That the Clerk of the Enrolments, or whoſoever ſhall execute the ſaid Office for the time being, do find two ſufficient Sureties, with himſelf, to become bound to our Soveraign Lord the King, his

his Heirs and Succeſſors, in a Bond of the penalty of Two Thouſand pounds for the true and faithful Execution of the ſaid Office, and for keeping of the ſame in the Town of St. *Jago de la Vega* as is herein before declared, and not elſewhere, which ſaid Bond ſhall be Recorded in the Supream Court of Judicature within this Iſland, and be kept by the Chief Juſtice of the ſame for the time being, to be made uſe of according as is directed in an Act, Intituled, An Act Impowering the Secretary to take Security; and whoſoever after Publication hereof ſhall Officiate in the ſaid Office before he hath given ſuch Security as aforeſaid, he or they ſo Offending ſhall forfeit the Sum of Five Hundred Pounds, to be Recovered by Bill, Plaint, or Information in any of His Majeſties Courts of Record within this Iſland, wherein no Eſſoign, Protection, or Wager of Law ſhall be allowed the Defendant; one Moyety whereof ſhall be to our Soveraign Lord the King, his Heirs and Succeſſors, for

and

and towards the Support of the Government of this Iſland, and the Contingent Charges thereof, and the other Moyety to him or them that ſhall proſecute the ſame.

An

An ACT

For the Ferry between St. Catharines *and St.* Andrews.

WHereas, *William Parker*, of the Pariſh of St. *Andrews*, Eſquire, hath at his particular Charge found out and made a very Convenient Way between the Salt and Freſh River in the Pariſh of St. *Andrews* and St. *Catharines*, which will be of great Uſe and Advantage to the whole Iſland, in cauſing a more near and eaſie Correſpondence with the ſeveral Precincts, and whereas the ſaid *William Parker* hath likewiſe ſet up and erected a Ferry for the better Accommodation of the ſaid Paſſage, and whereas the ſame cannot be maintained without great and conſtant Charges, be it therefore Enacted and Ordained by the Governour, Council, and Aſſembly, and it is hereby Enacted and Or-

Ordained by the Authority of the ſame, That the ſaid *William Parker*, his Heirs and Aſſigns be by this Act Impowered and Authorized for the ſpace and term of Fourteen Years from the making hereof, to ask, demand, ſue for, recover, and receive as a Duty and Toll for the Tranſporting of any Perſon over the ſaid Ferry, Seven pence half peny; for every Horſe and Man, fifteen pence; for every grown Beaſt, that hath no Rider, ſeven pence half peny; for every Sheep, Calf, or Hog, ſix pence; and that the ſaid *William Parker*, his Heirs and Aſſigns may and ſhall erect a Tavern or Victualling-Houſe near the ſaid Ferry, and ſhall not be compelled to renew or pay any Licenſe Money for the ſame. *Provided* always, That if the ſaid *William Parker* or his Aſſigns ſhall not finiſh and compleat the ſaid Way and Paſſage within Twelve Months from and after the making of this Act, and that in all places it be not leſs than eight Foot broad, and that the ſame be always kept

kept in good and ſufficient Repair, that the aforeſaid Limitation of the Rates, which ſhall be paid by virtue of this Act, or any Letters Patents granted for the ſame, ſhall ceaſe, determine, and be utterly void.

And be it further Enacted and Ordained by the Authority aforeſaid, That no other Perſon whatſoever preſume to erect, maintain, or keep a Ferry or Raft over the ſame Rivers for the ſpace or term of Fourteen Years from and after the making hereof, under the Penalty of Five Hundred Pounds Currant Money of this Iſland, the one half to be for the Uſe of our Soveraign Lord the King, for and towards the Support of the Government of this Iſland and the Contingent Charges thereof, the other half for the Uſe of the ſaid *William Parker*, his Heirs or Aſſigns, to be Recovered by Action of Debt, Bill, Plaint, or Information in His Majeſties Supream Court of Judicature

ture within this His Majeſties Iſland, wherein no Protection, Eſſoign, Injunction, or Wager of Law ſhall be allowed.

An

An ACT

Impowering the Church-Wardens of St. Catherines *to receive Twelve pence* per *Tun, for all Goods made up in Cask that are landed on, or ſhipped from the Bridg at* Paſſage Fort *for maintaining and repairing the ſame.*

WHereas it is evident that the making and repairing the Bridg at *Paſſage Fort* hath been very chargeble to the Pariſh of St. *Catherines* conſidering the ſaid Bridge is for the publick Uſe of ſeveral Pariſhes, in reſpect whereof ſome care ought to be taken for eaſing the ſaid Pariſh of the great Charge they are at in maintaining the ſame, and that the ſeveral Perſons that make uſe of the ſaid

Bridge, ſhould proportionably pay towards the doing of it.

Be it therefore Enacted by the Governour, Council and Aſſembly, and it is hereby Enacted by the Authority of the ſame, That from and after the making hereof, all Goods whatſoever made up in Cask, and that are landed either upon, or ſhipped from the ſaid Bridg ſhall pay Twelve pence *per* Tun, and ſo proportionably for a greater or leſſer quantity.

And it is Enacted by the Authority aforeſaid, That the Church-Wardens of St. *Catherines* for the time being ſhall take care that the Bridg be kept in ſufficient Repair, and in caſe of their Neglect therein, that then the aforeſaid Church-Wardens ſhall forfeit reſpectively Ten pounds, one half thereof to the Informer, and the other half to the Poor of the ſaid Pariſh to be recovered by Bill, Plaint or Information in any Court of Record within this Iſland, wherein no Eſſoin,

Eſſoin, Protection or Wager of Law ſhall be allowed.

And it is further Enacted and declared by the Authority aforeſaid, That the Church-Wardens of the ſaid Pariſh of St. *Catherines*, are hereby Empowered to Appoint ſuch Perſon or Perſons as they ſhall think fit for collecting the aforeſaid Duty, and to employ the ſame to the uſe and behoof of the aforeſaid Pariſh, and if any Perſon or Perſons ſhall refuſe to pay the aforeſaid Duty, it ſhall be lawful for ſuch Collector as ſhall be appointed by the Church-Wardens aforeſaid, to detain or keep in his poſſeſſion the Goods of the Perſon or Perſons ſo refuſing, until he or they ſhall have ſatisfied the ſame, as it is before expreſſed, any Law, Cuſtom or Uſage to the contrary notwithſtanding.

An ACT

For Confirmation of Pious, Charitable and Publick Gifts and Grants.

TO the Intent that Pious, Charitable and publick Gifts and Grants, ſo neceſſary in new Colony's to be encouraged and made Good, may not be defeated, but may take Effect according to the True Intent and Meaning of the Donor or Donors, Deviſor or Deviſors, notwithſtanding any Incapacity in the Grantee or Deviſee, or thoſe to whoſe Uſe the ſame is granted or deviſed:

Be it therefore Enacted and Ordained by the Governors, Council and aſſembly, and it is hereby Enacted and Ordained by the Authority of the ſame, that for and during the Term and time of Twenty years next enſuing,

ſuing, all Gifts, Grants, Conveyances and Devices of any Houſes, Lands, Tenements, Rents, Goods or Chattels, to any Good, Pious, Charitable or Publick uſe or uſes, as for the maintenance of Lawful Miniſters, erecting or maintaining of Churches, Chappels, Schools, Univerſities, Colledges, or other places for Education of Youth, or maintenance of men of Learning, or any Alms-houſes or Hoſpitals, or any other uſes whatſoever, heretofore made and hereafter to be made within the time aforeſaid, be and are hereby for ever confirmed and made good, according to the true intent and meaning of the Donor or Donors, Grantor or Grantors, Deviſor or Deviſors, the Statute of Mortmain, or any other Statute, Law, Cuſtom, or Uſage, to the contrary notwithſtanding.

Provided nevertheleſs and it is hereby enacted and Ordained that no Gifts, Grants or Deviſe to any Perſon or perſons whatſoever for any ſuperſtitious uſe, or for maintenance of

any Miniſter or Teacher whatſoever other then ſuch as are lawfully Ordained and allowed of by the Church of *England*, be hereby confirmed and made good, any thing herein, or in any other Act ſeeming to the contrary in any wiſe notwithſtanding.

An

An ACT

Declaring it High Treaſon to counterfeit His Majeſties Broad Seal of this Iſland.

FOr*aſmuch* as by the Laws of this Iſland no due and condign Puniſhment hath been heretofore provided for ſuch as ſhall falſify, forge or counterfeit his *Majeſtys* Broad Seal of this Iſland, by reaſon whereof diverſe evil diſpoſed perſons may be emboldened to perpetrate and commit the ſaid Offence, to the diſhonour of his Majeſty, and the diſinheriting of many of his Majeſtys good Subjects; for prevention whereof,

Be it Enacted and Ordained by the Governor, Council and aſſembly, and it is hereby Enacted and Ordained by

the Authority of the ſame, that whoſoever ſhall at any time hereafter Falſify, Forge or Counterfeit his Majeſties Broad Seal of this Iſland, that every ſuch offence ſhall be deemed and Judged High Treaſon, and the offender or offenders therein, their Councellers, Ayders, Abetters, or Concealors being legally convicted thereof by the Oaths of two lawful and credible Witneſſes upon Trial or otherwiſe, then every ſuch perſon and perſons ſo offending as aforeſaid ſhall be deem'd, declared and adjudged to be Traytors and ſhall ſuffer and have ſuch Pains, Penalties and Forfeitures, as in like Caſes is Ordained by the Laws and Statutes of his Majeſties Kingdom of *England*.

An

An ACT

For Clearing of Rio Cobre *above and below* Caymana's.

WHereas the River called *Rio Cobre*, or the Town River that paſſeth by St. *Jago De La Vega* is for ſeveral Miles together about the *Caymana*'s ſtopt up, and hath wholly loſt its old Channel by means of the extraordinary Floods, and by the abundance of Trees and great quantitys of rubbiſh that hath been fallen above the ſaid River, and upon other ſmall Rivers and Gullies that fall into the ſame, whereby ſeveral Plantations above and below the ſtop are upon ſmall Floods totally overflown and the ſtop by the means aforeſaid daily encreaſeth, ſo that it is evident, that in a ſhort time, if no Remedy be applyed,

plyed, all the ſettlements and Sugar-works thereabouts will be altogether loſt, and what is good Manurable Land now will be turned into mere Bog and Moraſs, unfit to raiſe Cattle in, or convert to any other uſe, which will not only be a very great loſs to to this Iſland in General, but an utter ruin to the ſettlers in particular, who have expended great ſums of Money in planting thereabouts; for prevention of ſo great and growing a miſchief, be it therefore Enacted and Ordained by the Governour, Council and Aſſembly, and it is hereby Enacted and Ordained by the Authority of the ſame, that the Governour or Commander in chief for the time being do iſſue out a Commiſſion, in the nature of a Commiſſion of ſewers under the Broad Seal of this Iſland, thereby conſtituting and appointing twelve good and ſufficient Freeholders ſuch as the Governour or Commander in chief as aforeſaid, with the Major part of the Councel ſhall think fit to nominate and chooſe out of the Pariſhes,

ſhes of St. *Catherines* and St. *Andrews* whereof five ſhall be a *Quorum* and one of which five ſhall be a Juſtice of the *Quorum*, thereby giving and granting unto them or any five or more of them, full power and Authority to aſſeſs, lay and receive a reaſonable Tax upon the Lands or Negroes, or upon both, as to the ſaid Commiſſioners or to any five or more of them, ſhall ſeem juſt and convenient, of all Perſons whatſoever, who have any Lands bounding any ways upon the ſaid River, or upon whoſoever ſhall receive Advantage by clearing the ſaid River, towards the clearing the Old Channell, or by turning the preſent Courſe of it ſome other way, as upon a due ſurvey of the premiſſes, ſhall ſeem moſt neceſſary, and which may be done with the leaſt Charge or prejudice to any Perſon, and that the limits of the ſaid Commiſſion to Tax be and extend upon all the Lands bounding on both ſides of the River, from the Plantation of *Henry Moleſworth Eſq*; commonly called *Cow-park* unto,

unto the Mouth of the ſaid River where it falleth into the Sea. And be it further Enacted by the Authority aforeſaid, That every ſuch Perſon as ſhall be named a Commiſſioner in the ſaid Commiſſion, after he hath knowledge thereof, ſhall take his Corporal Oath to lay a reaſonable Tax upon all the Lands or *Negroes* or upon both, as aforeſaid, and that he will to the beſt of his Skill and Knowledg execute the ſaid Commiſſion, which Oath ſhall be taken before the Governour or Commander in Chief, or before whom by the Kings Writ of *Dedimus Poteſtatem*, he ſhall appoint, or before the Juſtices of the Peace in the Quarter Seſſions of the Precincts, where any of the ſaid Commiſſioners ſhall reſide, and whoſoever of the ſaid Commiſſioners ſhall refuſe to take the ſaid Oath ſhall forfeit the ſum of Five pounds; And further, That whoſoever ſhall wilfully fall any Trees or caſt or ſuffer to be caſt the ſame, as alſo any Pane, Traſh or other Rubbiſh whatſoever, into the ſaid River, or into any other

other River or Gully that ſhall come into the ſame, whereby the ſaid ſtop ſhall be any wiſe increaſed ſhall forfeit for every ſuch Offence the like ſume of Five pounds, both which forfeitures ſhall be one third part to Our Soveraign Lord the King, His Heirs and Succeſſors, for and towards the Support of the Government of this Iſland, and the contingent Charges thereof, and the other two thirds to whomſoever ſhall ſue for the ſame towards the Expence of Preventing the Overflowing of the ſaid River, or towards the cutting of a new Channel as aforeſaid, and that each of the ſaid Commiſſioners, that ſhall meet and ſit as aforeſaid, ſhall for each day they ſo ſit receive towards their Expence Five ſhillings *per Diem* out of the ſaid Moneys to be levied as aforeſaid.

And be it further Enacted by the Authority aforeſaid, That the ſaid Commiſſioners unto whom the Commiſſion as aforeſaid ſhall be directed, or

or any Five or more of them by vertue of the ſaid Commiſſion, and of this preſent Act ſhall have full power and Authority to See, Survey and View the ſaid Lands as do uſe to be o'reflown or any part of them, and all the ſaid Lands and *Negroes* or their ſeveral Owners who poſſeſs any Lands or *Negroes* within the Bounds and Limits aforeſaid, to Tax, Rate, Aſſeſs and Charge with ſuch Sum and Sums of money, as well for the preſent clearing of the Old Channel of the ſaid River or for the making a new, if it ſhall be found neceſſary, as alſo for the keeping of it clear, after it ſhall be cleanſed, or turned another way, and that the ſaid Commiſſioners or any Five or more of them ſhall and may make and appoint diligent and able Surveyors, Collectors and Overſeers, and ſuch other Officers as they ſhall think fit to Survey and Overſee, and to Levy, Receive and Lay out the Money to be Levied and Expended in and about the premiſſes, and to do and execute what-

whatſoever ſhall be needful and expedient to be done therein according to the directions and Orders, which ſhall from time to time be preſcribed by the ſaid Commiſſioners or any Five or more of them, and to allow them for their pains; what ſhall be thought reaſonable, and alſo that it ſhall and may be lawful for the ſaid Commiſſioners or any Five or more of them by Warrant under their hands and Seal to Command the taking of any Cart, Wain or Negroes of any Perſon within the Bounds and Limits of the ſaid Commiſſion to help towards the clearing and removing the Premiſſes, or toward the making a new Channel, *Provided* always that the Owners of ſuch Carts, Waines or Negroes are not then making Sugar, and that they take not above five Negroes for a Week out of a Plantation, and a Wain or Cart for the ſame time and that the Owners of ſuch Carts, Waines or Negroes, that ſhall be ſo employed be allowed out of their reſpective Taxes what ſhall be

be thought reaſonable for the hire of them, by the ſaid Commiſſioners as aforeſaid. *And* be it Enacted by the Authority aforeſaid, that it ſhall and may be Lawful for the ſaid Commiſſioners or any Five or more of them, by Warrants under their hands and Seals, to give Authority to any Perſon or Perſons to Levy the ſaid Sums of Money by them from time to time to be Aſſeſſed upon the Perſons, Lands or Negroes, or upon all or any of them as aforeſaid by diſtreſs and ſale of the Goods of ſuch Perſon or Perſons that ſhall not pay, or refuſe to pay the ſame, and the Overplus of the value riſing upon ſuch ſale ſhall return to the Owner of the ſame, and in default of ſuch diſtreſs to be taken and ſold, it ſhall and may be Lawful for ſuch Collectors as ſhall be appointed by the ſaid Commiſſioners or any Five or more of them to ſue the Factor or Attorney of ſuch Perſon or Perſons as have Lands lying within the Limits aforeſaid.

And

And that all Conſtables, Marſhals and Tything-men be Aiding and aſſiſting in the levying all ſuch Taxes, as ſhall be aſſeſſed and levyed as aforeſaid, and that they receive Twelve Pence in the Pound for Levying the ſame. And be it further Enacted by the Authority aforeſaid, that if any Action or Suit ſhall be brought againſt any Perſon or Perſons for taking any Diſtreſs or Sale of the ſame, or for turning the Courſe, of the River through any Perſons Land, or for Cutting a new Channel through the ſame, or any other thing done by the Authority of this Act, the Defendant in any ſuch Action, or Suit ſhall plead the General Iſſue & give this Act in Evidence, whereupon Iſſue ſhall be Joyned, and the Jury ſhall find for the Defendant, and Aſſeſs treble Damage for his wrongful vexation in that behalf. *Provided* always and it is the true Intent and Meaning of this Act, that if any new Channel for the Conveyance of the ſaid River be cut through any Perſons Lands, all ſuch Damages as he receiveth thereby,

ſhall be valued by the ſaid Commiſſioners or any five or more of them, and Satisfaction ſhall be made to the Owners of ſuch Lands out of the Mony ſo to be Aſſeſſed and Levyed as aforeſaid, and whatſoever Land ſhall be Recovered by means of Draining, what now is overflown ſhall belong to the firſt Proprietors; and that this Act continue in Force for the Term of Five Years and no longer, any thing in this Act or any other ſeeming to the contrary notwithſtanding.

An

An ACT

For Regulating Building, and preventing Fire.

BE it Enacted by the Governour, Council, and Aſſembly, and it is hereby Enacted by the Authority of the ſame, That no Perſon whatſoever preſume to Build any Houſe at *Port-Royal* within thirty Foot of the High-Water Mark, and that when any Houſe or Houſes are already Built, or hereafter ſhall be Built, on the Harbor ſide nearer than thirty Foot of the High-Water Mark, the Wherry Place only accepted, ſuch Houſe or Houſes ſo Built or to be Built, ſhall and are hereby adjudged, deemed and taken to be publick Nuſances, and the Proprietor or Proprietors of the ſame ſhall cauſe ſuch Houſe or Houſes Built thereon to be taken down

and removed within six Months after conviction thereof, or otherwise Build or cause to be Built within six Months a strong substantial Wharf, so as the same may make a firm Passage or way of Thirty Foot from High-Water Mark. Provided that no House shall be Built further Northward on the Harbour than Major *Samuel Bach* and Captain *Anthony Swimmer* on any Land Wharfed or to be Wharfed out between *Fort James* and *Fort Carlisle*, but that all Land so made out of the Harbour, or to be made, shall remain unbuilt on.

And be it further Enacted and Declared by the aforesaid Authority, That when any Fire shall happen to break out either at *Port-Royal*, or at any other Town already Built, or which hereafter shall be Built within this Island, that two or three of the Chief Military or Civil Officers of the same Town or Parish shall or may and hereby are Empowered to give all such directions for the Pulling down or blowing up any

any ſuch Houſe or Houſes, that ſhall be by them adjudged meet to be pulled down or Blown up for the ſtopping and preventing the further ſpreading of the ſame, and if it ſhall happen that the pulling down or blowing up any ſuch Houſe or Houſes by the directions aforeſaid, ſhall be the Occaſion of ſtopping the ſaid Fire, or the Fire ſtops before it comes to the ſame, then all and every Owner of ſuch Houſe and Houſes ſhall receive Satisfaction, and be paid for the ſame by the reſt of the Inhabitants, whoſe Houſes ſhall not be Burnt, who are hereby empowered to make ſuch Rate or Rates for the raiſing and Levying ſuch Sum and Sums of Mony as ſhall be thought convenient by the Juſtices and Veſtry men of the Pariſh.

Provided always, That if that Houſe where the Fire ſhall firſt begin and break out ſhall be Adjudged fit to be Pull'd down to hinder the further ſpreading and increaſe of the ſame, that then the Owners of ſuch Houſe

ſhall receive no manner of ſatisfaction for the ſame, any thing in this *Act* or any other *Act* to the Contrary Notwithſtanding.

And whereas it may be doubted that the Sea may encroach upon the Southward part of the Town of *Port-Royal* for the prevention whereof be it Enacted by the Authority aforeſaid that all Proprietors or Owners of Land or Houſes their Factors, Agents, Attorneys, and Guardians, of Children, or any Perſons employed by them, or any of them that are Intereſted on the Southermoſt part of *Port-Royal* from *Fort Rupert* to the Houſe and Land now Inhabited by one *Edward Watkins*, and known by the Sign of the *Blew Bell*, be hereby Enjoyned and Obliged by this Act within twelve Months after Publication hereof Subſtantially to Wharf out, and Secure and keep Secured their reſpective Proportions of Land joining on the Sea, with ſubſtantial Wharf of laſting Timber at leaſt one Foot into the Sea, under,

under the Penalty of Ten Pounds currant Money of this Iſland, for every Year any ſuch Perſon or Perſons ſhall Neglect the ſame, one third part thereof to our Soveraign Lord the King his Heirs and Succeſſors, for and towards the Support of the Government of this Iſland and the contingent Charges thereof, one third part to the Church-Wardens of the Pariſh of *Port-Royal* for the time being, for the uſe of the Poor, and the other third part to the Informer or he that ſhall Sue for the ſame, in any Court of Record within this Iſland, wherein no Eſſoin, Protection, or Wager of Law ſhall be allowed.

And that the Owners or Proprietors of ſuch Land or Houſes as aforeſaid may be the better Encouraged to Wharf out as is before appointed, the Street now called the Church Street, ſhall be no more deemed, accounted or taken for a Street, but ſhall be Added or Annexed to each Propriety and Freehold in Proportion to their

Reſpective Intereſt bounding upon the ſame, for which Conſideration they are hereby Obliged to leave a Paſſage at leaſt eighteen Foot open to the Sea.

Provided that nothing in any Clauſe of this Act ſhall Permit and ſuffer any Perſon or Perſons whatſoever, to Build any Houſe nearer to the Church on the South-ſide, than what are already Built for the whole length of the Church aforeſaid.

And be it further Enacted by the Authority aforeſaid, That no Perſon or Perſons do fetch or cauſe to be fetched in any Boat, Veſſel, or Canoa, from the Riffs or Shoals, or dig up any Stones below High-Water Mark from the Eaſtermoſt and Southermoſt Parts of any of the Cays lying off *Port-Royal*, and that no Stones ſmall or great be fetched or taken up for balaſt or any other uſe from the Eaſtermoſt ſide of the Point on *Port-Royal*, ſo far as *Plum-Point* on Penalty of Ten Pounds for every ſuch offence, and that no Commander and Maſter of any Ship or Veſſel caſt or hoiſt

hoiſt out any Ballaſt overboard into the water within the Harbour of *Port-Royal*, or any other Harbour or Bay upon the Penalty of Twenty Pounds for every ſuch offence.

And be it farther Enacted, that no Wreeks be laid up within the Harbour of *Port-Royal*, or if any ſuch decayd Veſſels or Wreeks ſink in the Harbour by neglect of the Owner or Owners, Poſſeſſor or Poſſeſſors of the ſame, and not removed within one Month after the ſinking thereof, the ſaid Owner or Owners, Poſſeſſor or Poſſeſſors of the ſame ſhall forfeit Twenty Pounds for every Month ſuch Veſſel ſhall ſo lye.

Provided alſo that the ſeveral Fines, Forfeitures and Penalties before mentioned in this *Act*, and not declared where they ſhall be recovered and how diſpoſed of, be one third to our Soveraign Lord the King, his Heirs & Succeſſors, for and towards the ſupport of the Government of this Iſland & Contingent Charges thereof, one third to the Church-Wardens for the uſe of the Re-

Reſpective Pariſhes, and one third to the Informer to be recovered by Action of Debt in any Court of Record within this Iſland, where no Eſſoins Protection or Wager of Law ſhall be allowed, any Law, Cuſtom or Uſage to the contrary notwithſtanding.

And foraſmuch as great and diverſe complaints are daily made by Maſters and Commanders of Ships and Veſſels Trading to this Iſland, that upon their Ships or other Veſſels coming into any Harbour of the ſame, the Seamen belonging to the ſaid Ships or Veſſels do run on Shore inſomuch that they have not left on Board a ſufficient Number of men to watch the ſaid Ships or Veſſels, Be it therefore Enacted and Ordained by the Authority aforeſaid, That all and every Perſon or Perſons that ſhall receive or entertain any Seaman or Seamen belonging to any Trading Ships or Veſſels Riding in any Harbour of this Iſland, after the Ships Bell Ringing to

ſet

ſet Watch, at eight of the Clock at night, every ſuch Perſon or Perſons receiving or Entertaining of every ſuch Seaman as aforeſaid, ſhall forfeit for the Entertainment of every ſuch Seaman, the Sum of Forty Shillings, one half to the Poor of the Pariſh, where the Offence is or ſhall be committed, and the other half to the Maſter or Commander that ſhall Proſecute for the ſame, to be recovered by a Warrant from a Juſtice of the Peace, as in caſes of Debt not exceeding Forty Shillings.

An

An ACT

For the Maintenance of Miniſters, and the Poor, and Erecting and repayring of Churches.

FOr raiſing a convenient maintenance for the Miniſters and Poor, and Erecting and repairing of Churches within this Iſland, *Be it Enacted* by the Governour, Councel and Aſſembly, and it is hereby Enacted by the Authority of the ſame, That the reſpective Juſtices of every Pariſh within this Iſland, or any two of them, ſhall every Year Iſſue out their Warrants to the Conſtables and Tything-men, to Summons the Freeholders of that Pariſh together, on the Second *Tueſday* in *January* for the Chooſing of Ten Veſtry-men, and two Church-Wardens ſuch as ſhall conform to the Church of *England*, and if they ſhall neglect to

to Iſſue their Warrant, ſo as the Election be not made that day, they ſhall reſpectively forfeit five pounds Currant mony of this Iſland, and in Caſe the ſaid freeholders duly Summoned as aforeſaid, ſhall not appear, or appearing do not Chooſe the ſaid Ten Veſtry-men and two Church-Wardens, that then in their Default the ſaid Juſtices ſhall within ten days after the ſaid ſecond *Tueſday* in *January*, or any day after as to them ſhall ſeem convenient, lay a reaſonable Tax on the ſaid Pariſh for the maintenance of the Miniſter and Poor, and for Erecting convenient Churches and repairing ſuch as are already made, and making convenient ſeats in them, and if the ſaid Juſtices and Veſtrymen ſhall neglect their duty herein they ſhall reſpectively forfeit five Pounds Currant mony of this Iſland.

And Be it further Enacted and Ordained by the Authority aforeſaid, That ſuch of the Juſtices & Veſtrymen that ſhall not be preſent at the time appointed

ted to make the ſaid Taxes, and thereof be convicted by a Certificate under the hands of ſuch as do appear, and have no ſufficient excuſe for the ſame, ſhall Reſpectively forfeit five Pounds Currant Mony of this Iſland, and a Roll of the ſaid Tax ſo made ſhall be delivered into the hands of the reſpective Conſtables of the ſaid Pariſhes with a Warrant under the ſame ſigned by any two Juſtices of the Peace impowering him or them to Levy the ſaid Tax and upon refuſal to diſtrain and ſell by Publick Outcry and pay the ſame into the hands of the Church-Wardens, retaining to himſelf Twelvepence *per* Pound for Levying thereof, and if any Perſon ſhall refuſe to Pay what he is ſo Aſſeſſed and the ſaid Conſtables Diſtrain for the ſame all his Charges ſhall be paid him with ſuch further allowance for his pains, as the ſaid Juſtices or any one of them ſhall judge reaſonable, and if the ſaid Juſtice or Juſtices ſhall neglect to Iſſue the ſaid Warrant, he or they ſhall reſpectively forfeit,

forfeit five Pounds Currant Mony of this Iſland, and if the ſaid Conſtables or any of them fail of their duty herein, they ſhall reſpectively forfeit five Pounds Currant Mony of this Iſland, and the Church-Wardens ſo Choſen ſhall undertake the ſaid Office and receive and keep a good account of the Monies or goods Levyed by Vertue of this Act, and the ſame Iſſue by Order from the ſaid Iuſtices. and Veſtry-men of the Pariſhes for the purpoſes and intents aforeſaid, and the Church-Wardens ſhall as often as thereunto required, yield and give a juſt and true account unto the Juſtices and Veſtry-men of all their Receits and Diſburſements, and in caſe the ſaid Church-Wardens, or any of them ſhall neglect their Duty herein they ſhall reſpectively forfeit five Pounds Currant Mony of this Iſland for every refuſal.

And be it further Enacted and Ordained by the Authority aforeſaid, That the reſpective Juſtices of the Pariſhes of *St. Dorothy* and *St. Thomas* in the Vale,

Vale, or any two of them ſhall every Year Iſſue out their Warrants to the Conſtables and Tything-men, to Summons in the Freeholders of the ſaid Pariſhes the Second *Tueſday* in *February* for the Chooſing of ten Veſtry-men and two Church-Wardens as aforeſaid, and that the ſaid Juſtices and Veſtry-men, or the Major part of them are hereby impowered to lay on the Pariſhioners a reaſonable Tax over and above the rate impoſed on them by Vertue of this Act, by the Juſtices and Veſtry-men of the Pariſh of *St. Catharines*, Provided it exceed not one Hundred Pounds Currant Mony of this Iſland, for and towards the Building and Erecting Churches and making convenient Seats in them in their reſpective Pariſhes and to no other uſes whatſoever, and that whatſoever Rate or Rates hath been already aſſeſſed by the Juſtices and Veſtry-men of the Pariſh of St. *Dorothy's* upon their Pariſhioners or any other Perſon or Perſons having Land, Goods or Stock within the ſaid Pariſh,

Pariſh, is hereby Ratified Confirmed and Declared Lawful, any Clauſe in this Act ſeeming to the contrary notwithſtanding, a Roll of any Taxes ſo made ſhall be delivered into the hands of the reſpective Conſtables of each Pariſh with a Warrant under the ſame ſigned by any two of the Juſtices, Impowering him or them to Levy the ſaid Tax, and upon refuſal to Diſtrain and Sell by Publick Outcry as aforeſaid, any thing in this Act ſeeming to the contrary notwithſtanding.

And be it further Enacted and Ordained by the Authority aforeſaid, That the Juſtices and Veſtry-men of each Pariſh have full Power to enquire into Arrears of former Subſcriptions and Taxes, and to Levy the ſame Arrears by Warrant from the Juſtices to the Conſtables aforeſaid, and that the Miniſter Demand no Fee in his own Pariſh for Chriſtnings, Marriages, Churchings, or Buryals under the Penalty of five Pounds for every offence,

unleſs ſuch as the Juſtices and Veſtrymen ſhall allow, any Law, Cuſtom, or uſage to the contrary notwithſtanding, the one half of all which Forfeitures ſhall be to the Poor of the Pariſh and the other Moyety to him or them that ſhall ſue for the ſame, in any Court of Record within this Iſland.

And foraſmuch as many Perſons who may by Vertue of this Act and the Act for mending and repairing the High-ways, be Taxed, and have nothing in the Pariſh where they are Taxed upon which any Diſtreſs may be made, It is therefore Enacted and Ordained by the Authority aforeſaid, That in ſuch Caſes from and after the making hereof, an Action of Debt ſhall lye in any Court of Record, or before any Juſtice of the Peace as in other Debts for the ſeveral Church-Wardens and Surveyors of each Reſpective Pariſh and their Succeſſors to recover againſt any of the ſaid Perſons Rated or Aſſeſſed by vertue of this Act, or any of them, or their Agents

Agents or Attorneys here all ſuch Sum and Sums of Mony as are or ſhall be rated or aſſeſſed upon them as aforeſaid.

And that the ſame Rate or Aſſeſſment produced in ſuch Court of Record or before ſuch Juſtice of the Peace as aforeſaid, ſhall be ſufficient Evidence and proof for the recovery of all ſuch Sum or Sums of Mony ſo Rated or Aſſeſſed as aforeſaid: *Provided* nevertheleſs, and it is the true intent and meaning hereof, That no Juſtices of the Peace and Veſtry-men ſhall have power to aſſeſs any ſuch Perſon or Perſons as aforeſaid above the Sum of one ſhilling *Per Annum* and for every hundred Acres of Land and ſo proportionable for a greater or leſſer quantity.

And it is hereby further Enacted and Ordained by the Authority aforeſaid, That any Perſon or Perſons aggrieved or Rated in any ſuch Aſſeſſment or Tax have hereby liberty

granted to Appeal to the Juſtices ſitting in the Quarter Seſſions in their Reſpective Precincts in this Iſland; *Provided*, that ſuch Appeal to them be made at the firſt or ſecond Quarter Seſſions after ſuch Taxes made and not afterwards, and that there it Appearing to the ſaid Juſtices that he, ſhe or they were Over-rated, Taxed or Aſſeſſed, the ſaid Juſtices are hereby Authorized and Impowered, if they find him, her or them, ſo Over-rated or Aſſeſſed, to eaſe him, her, or them as to their diſcretion ſhall ſeem meet, but that no Appeal ſhall lye further, or to any other Court or Place in this Iſland, for any Tax or Rate made or Aſſeſſed by the Juſtices and Veſtry-men of each reſpective Pariſh in this Iſland, any Law, Cuſtom, or Uſage to the contrary in any wiſe notwithſtanding, And be it further Enacted and Ordained by the Authority aforeſaid, That the Church-wardens of each reſpective Pariſh within this Iſland, do buy or cauſe to be bought one Fair well bound Book, wherein

wherein the Miniſter, and in caſe there be no Miniſter there reſident, the Reſpective Church- Wardens upon notice thereof given by the Maſters of the ſeveral Families, who are hereby required to give ſuch notice under the Penalty of five Pounds ſhall Regiſter or cauſe to be Regiſtred by the Clark of the Veſtry of that Pariſh, the Times of the Births, Chriſtnings, Marriages, and Burials, of all ſuch Perſon or Perſons that ſhall from time to time be Born, Chriſtned, Marryed, or Buried, within the ſaid Pariſh, under the Penalty of five Pounds for every ſuch Default; And that the ſaid Clark or Perſon that ſhall Regiſter the ſame, ſhall have and receive as a Fee for each Entry Fifteen Pence and no more.

And it is hereby further Enacted by the Authority aforeſaid, That all ſuch entries duly made and kept as aforeſaid ſhall at all times hereafter be Deemed, Judged and taken as an Authentique Record of all ſuch Births,

Christnings, Marriages, and Burials, and in all and every the Courts of Records in this Island; But if any Person hereby Authorized to make such Entry or any other whatsoever shall make or cause to be made any false Entry, or shall raze out or Imbezel any Entry or Books of Entry, he or they so offending shall be proceeded against and Punished in manner and form, as the Laws of *England* provide against such as Steal, Raze, or Imbezel, Records; The one Moyety of all which Forfeitures or Penalties or any other mentioned in this Act, and not directed how to be disposed of, shall be to the Poor of the Parish where the fault is committed, the other Moyety or half part to the Informer, to be recovered by Bill, Plaint or Information in any of his Majesties Courts of Record in this Island, wherein no Wager of Law Essoin, Protection or Injunction shall be allowed, any thing in this Act or in any other Act to the contrary in any wise notwithstanding.

And

And be it further Enacted and Ordained by the Authority aforeſaid, That the Pariſh of *Port-Royal* do allow and Pay unto the Miniſter thereof two Hundred and fifty Pounds *Per Annum* of Currant Mony of this Iſland, and that the Pariſh of St. *Catharines* do allow and pay unto the Miniſters thereof One Hundred and forty Pounds of the like Mony *Per Annum* and not leſs; And that the Pariſh of St. *Thomas*, St. *Andrews* and St. *Johns* do allow and pay unto their Reſpective Miniſters One Hundred Pounds of like mony *Per Annum*, and that all the other Pariſhes within this His Majeſties Iſland, that either have or ſhall have a Miniſter, do allow and pay Eighty Pounds Currant Mony and not leſs, as a conſtant Yearly Salary for the ſupport and Maintenance of every of their Miniſters to be Paid at their Reſpective dwelling Houſes every ſix Months, without any Charge or defalcation by equal Portions, and none to be Capable of being preſented to the ſaid Benefices, or receiving the

Profits of the ſame, unleſs they produce due Teſtimonials that they are qualified according to the Canons of the Church of *England*, by having taken Deacon and Prieſts Orders, and the ſaid Teſtimonials to be Recorded in the Secretaries Office.

And be it further Enacted and Declared by the Authority aforeſaid, That no Miniſter not duly qualified as aforeſaid, Preſume to Marry any Perſon or Perſons whatſoever under the Penalty of one Hundred Pounds Currant Mony of this Iſland, one third thereof to our Soveraign Lord the King his Heirs and Succeſſors, for and towards the ſupport of the Government of this Iſland and the Contingent charges thereof, one third to the Poor of the Pariſh, where the offence ſhall be committed, and the other part to him or them that ſhall Sue for the ſame in any of the Courts of Records within this Iſland, and that no Miniſter preſume to Marry any Perſons whoſe Banes have not been Publiſh-

Publiſhed three times in their Pariſh Church or have a Licence from the Governour or Commander in Chief for the time being, Authorizing him thereunto, under the like Penalty and to the ſame uſes, to be recovered as aforeſaid, or twelve Months Impriſonment: *Provided* always and it is the true intent and meaning of this Act, That no Eccleſiaſtical Law or Juriſdiction, ſhall have Power to Inforce, Confirm, or Eſtabliſh any penal Mulcts or Puniſhment in any caſe whatſoever, any thing in this Act or any other to the contrary notwithſtanding.

And whereas this Iſland in the twenty ninth Year of his Majeſties Reign by an Act of this Country was divided into fifteen Pariſhes, which were called, diſtinguiſhed and known by ſeveral names hereafter mentioned, that is to ſay, St. *Thomas*, St. *Davids*, *Port-Royal*, St. *Andrews*, St. *Katharines*, St. *Dorothy's*, St. *Thomas* in the *Valley*, *Clarendon*, *Vere*, St. *Johns*, St. *Georges*, St. *Maries*, St. *Anns*, St. *James*,

James, St. *Elizabeths*, Be it therefore Enacted and Ordained by the Authority aforeſaid, That all and every of the ſaid ſeveral Pariſhes reſt, remain and for ever hereafter be diſtinguiſhed and known by the aforeſaid reſpective Names, and by no other whatſoever, any thing in this or any other Law to the contrary notwithſtanding.

An

An ACT

Aſcertaining the Value of Foreign Coins, and Eſtabliſhing Intereſt.

BE it Enacted by the Governour, Council and Aſſembly, and it is hereby Enacted by the Authority of the ſame, That each ſingle Spaniſh Dubloon or French Piſtol ſhall be currant, and paſs for twenty Shillings Currant Mony, each ſingle Piece of *Sevil*, *Mexico*, or *Piller*, and each French Crown at five ſhillings, Currant Mony, a *Peru* Piece of Eight at Four ſhillings, and all Monies whatſoever of thoſe Coins aforeſaid, ſhall in all Payments whatſoever be proportionably rated, any Law, Cuſtom, or Uſage to the contrary notwithſtanding,

That

That whoſoever ſhall for baſe lucre by any way or means Coyn, Falſify, Impair, Diminiſh, Seal, Waſh, Clip, File, or Lighten, any of the Mony aforeſaid, or any other Mony Currant in this Iſland, ſhall be guilty of High Treaſon, any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

And it is further Enacted and Declared by the Authority aforeſaid, that from and after the twentieth day of *July* in the Year of our Lord one Thouſand ſix hundred eighty and one no Perſon or Perſons whatſoever upon any Contract made or to be made ſhall directly or indirectly take for the Loan of any Monies above the Value of Ten pounds Currant Mony for the forbearance of One Hundred Pounds Currant Mony for one Year, and ſo after the rate for a greater or leſſer Sum for a longer or ſhorter time, which ſaid Intereſt is hereby declared to be only recoverable upon Penal Bonds and Mortgages,

That

That all Bonds, Contracts, and Aſſurances whatſoever, made hereafter for the Payment of any Principal Mony to be lent on Uſury, whereupon or whereby there ſhall be received or taken above the Rates of Ten Pounds Currant mony in the Hundred as aforeſaid, ſhall be utterly Void, and that all and every Perſon or Perſons whatſoever, who ſhall hereafter upon any Contract to be made, take, accept, or receive, by any way or means, or Corrupt Bargain, Loan, or Exchange, Shift, or Intereſt, of any Moneys, or by deceipt or any other Fraudulent Conveyance for forbearance or giving day of Payment for one whole Year, or in proportion for a longer or ſhorter time for their Monies, the Sum of Ten Pounds Currant Mony aforeſaid, ſhall Forfeit and loſe for every ſuch his or their Offence treble the Value of the Mony lent or bargained for, by any way or means whatſoever, One Moyety of which Forfeitures ſhall be to Our Soveraign Lord the King his Heirs

Heirs and Succeſſors for and towards the ſupport of the Government of this Iſland, and the Contingent Charges thereof, the other Moyety to him or them that ſhall Sue for the ſame, in any Court of Record within this Iſland, wherein no Eſſoin, Protection, or Wager of Law ſhall be allowed.

And whereas certain evil diſpoſed Goldſmiths, deceitfully do make and ſell Plate and other Gold and Silver Wares to the great Defrauding of his Majeſties Subjects of this Iſland, for remedy whereof, Be it Enacted by the Authority aforeſaid, That no Goldſmith or Worker in Gold or Silver within this Iſland, from and after the firſt day of *Auguſt* in the Year of our Lord One Thouſand Six Hundred Eighty and One, ſhall Work, Sell, Exchange, or cauſe to be Wrought, Sold, or Exchanged, any Plate or other Goldſmiths Ware of Gold, leſs in fineneſs than twenty two *Carrats*, and that from the time aforeſaid, no Goldſmith or Worker in Gold

Gold or Silver ſhall Make, Sell or Exchange in any place within this Iſland, any Plate or Goldſmiths Wares of Silver leſs in fineneſs than that of Eleven Ounces two Penny weight, and that no Goldſmith or Worker in Gold or Silver ſhall preſume to put to Sale, Exchange or Sell, any Plate of Goldſmiths work of Gold or Silver, before he hath ſet his own Mark to ſo much thereof as may conveniently bear the ſame, upon pain of Forfeiting the Value of the thing ſo Sold or Exchanged.

And be it further Enacted and Ordained by the Authority aforeſaid, That whatſoever Goldſmith or Worker in Gold or Silver as aforeſaid, from and after the ſaid firſt day of *Auguſt*, ſhall preſume to Sell or Exchange any Gold or Silver Wares, of leſs fineneſs than aforeſaid, for every ſuch firſt offence, ſhall forfeit treble the Value of the ſaid Wares ſo Sold or Exchanged, one half whereof ſhall be to our Soveraign Lord the King his Heirs and Succeſſors, for and

and towards the ſupport of the Government of this Iſland, and the Contingent Charges thereof, and the other half to the Party aggrieved to be recovered in manner and form aforeſaid, and whoſoever ſhall offend the Second time, and thereof be convicted, ſhall ſtand in the Pillory for the ſpace of one Hour, and loſe his Ears for the ſame.

An

An ACT

For the better Securing certain Titles, made by way of Releaſe and Confirmation, under the Great Seal *of this* Iſland.

WHereas *Nicholas Keen* and *John Duray* Late of this Iſland, Died Aliens, or otherwiſe Incapable by Law to make any good Deviſe or other Conveyance of ſuch Real Eſtate as they, or either of them Dyed Seized of in this Iſland, And foraſmuch as *Redman Macragh* Claiming under one *Dennis Macragh* Deceaſed, who Claimed under the laſt Will and Teſtament of the ſaid *Nicholas Keen* hath as well through his own Induſtry and Expence as the great Charge and Hazard of the ſaid *Dennis*, very Conſiderably Improved the ſaid

Eſtate of the ſaid *Nicholas Keen*; And that *Samuel Bradway* Executor of the Laſt Will and Teſtament of the ſaid *John Duray*, to whom alſo the ſaid *John Duray* did by his Laſt Will and Teſtament in Writing Deviſe, give and Bequeath all his Real Eſtate, hath out of the ſame, Satisfied and Paid the Debts of the ſaid *John Duray*, and by his own care and Coſt very much Advanced and Improved the Real Eſtate of the ſaid *John Duray*, And that the ſaid *Redman Macragh* and *Samuel Bradway*, have on their Humble Petitions, ſeverally obtained a Grant for the ſame, under the Great Seal of this Iſland, by way of Releaſe and Confirmation, that is to ſay, a Grant unto the ſaid *Redman Macragh* his Heirs and Aſſigns for Ever, of all the Real Eſtate of the ſaid *Nicolas Keene*, and the ſaid *Samuel Bradway*, another Grant as aforeſaid, unto him, his Heirs and Aſſigns for Ever, of all the Real Eſtate of the ſaid *John Duray*.

Be

Be it therefore Enacted and Ordained by the Governour, Council, and Aſſembly, And it is hereby Enacted and Ordained by the Authority of the ſame, That the ſaid Grants ſeverally made under the Great Seal of this Iſland, by way of Releaſe and Confirmation of the Eſtate of the ſaid *Nicholas Keen* Deceaſed unto *Redman Macragh*, his Heirs and Aſſigns, and the Grant made as aforeſaid, by way of Releaſe and Confirmation of the Eſtate of *John Duray* unto the ſaid *Samuel Bradway*, his Heirs and Aſſigns, be hereby Ratyſied and Confirmed, and the ſeveral Eſtates hereby alſo Releaſed, and Confirmed unto the ſaid ſeveral Grantees, their Heirs and Aſſigns for ever, any Statute, Law, Cuſtom, or Uſage, to the contrary in any wiſe Notwithſtanding.

An ACT

For ſetling the Militia.

WHereas the Situation of this Iſland, amidſt Subtle, Rich and Potent Nations, cannot but ſufficiently Convince every reaſonable Man of the Neceſſity the Inhabitants have, of being well Armed and Trained up in the Art *Military*, as well for the Honour and Service of His Moſt Excellent Majeſty, As the Preſervation of our own Lives and Fortunes,

Be it therefore Enacted and Ordained by the Governour, Council, and Aſſembly, And it is hereby Enacted and Ordained, by the Authority of the ſame, That no Perſon whatſoever from 15 to 60 Years of Age, remain Unliſted by themſelves, or Maſters, Miſtriſſes, or Employers under the Captains, in the reſpective Places of their Abode, in Foot, or Horſe,

Horſe, the ſpace of ſix Weeks, on Penalty of Forty Shillings and ſo for every Six Weeks, ſuch Perſons ſhall remain Unliſted; And that every Foot Souldier be provided with a well Fixed *Musket* or *Fuſee*, or (if the Officer ſo appoint) with a good *Pike* and *Sword*, or *Launce* and *Piſtol*, Each *Muſqueteer* to have ſix Charges of Powder and one *Cartouch Box*, and ſo ſhall appear, when and where Appointed, upon Penalty of Ten Shillings for his Default in not Appearing, and Four Shillings for want of each Charge of Powder, *Gun*, *Pike*, *Sword*, *Piſtol*, or *Cartouch-Box*, ſo as the whole Penalty for any Perſon at one time Exceed not Ten Shillings; and that every Souldier belonging to the Horſe, ſhall when and where commanded, appear and be provided with a good Serviceable Horſe of Ten Pounds Value at the leaſt, Covered with a good Saddle, with Holſters, Breaſt-Plate and Crupper, and a Caſe of good Piſtols, Hanger, Sword or Rapier, and half a Pound of Powder,

on Penalty of Ten Shillings for each times abſence, and Six Shillings for default of each the particulars above-mentioned, ſo as the whole Penalty for one time exceed not fifteen Shillings, and that every Foot Souldier ſhall have at his Habitation and Abode two Pounds of good Powder and Six pounds of ſizable Bullet, and every Trooper have at his Uſual place of abode, a well Fixed *Carbine* with Belt and *Swivel* and Four pounds of fine powder, with twelve pounds of Sizable Bullets, on Penalty of Ten Shillings for each Default, and that each of them ſhall bring the ſame into the Field, when Commanded, upon Penalty of anſwering the ſame at a Court Martial: Provided nevertheleſs, that nothing herein be Conſtrued to Extend to force or compel any Perſon, that hath or ſhall be in commiſſion in this Iſland to Liſt himſelf in any Company or Troop, or to ſerve in any Capacity beneath the former Commiſſion, unleſs ſuch Perſon hath been Degraded by a Court Martial.

And

And it is further Enacted by the Authority aforeſaid, That no Perſon ſo Liſted as aforeſaid ſhall depart thence without a diſcharge from the Commander of the Company or Troop where Liſted, on Penalty of forty Shillings, and that no Commander of any Company or Troop ſhall refuſe when deſired to give a diſcharge in Writing to any that is removing his Abode out of the Precincts under the Penalty of Five Pounds.

And whereas at the Town of *Port-Royal*, Guards, and Watches are every Night ſet and appointed, Be it therefore Enacted and Declared by the Authority aforeſaid, That it ſhall and may be Lawful for any Perſon or Perſons Liſted in the Regiment of *Port-Royal* (except on extraordinary occaſions) to put a well Armed Man in their room, who if approved of by the Captain of the Guard, ſhall excuſe his or their Abſence; *Provided* always, that the Commiſſion

Officers and Serjeants of the Reſpective Companies be obliged in their reſpective turns, to Mount the Guards in their proper Perſons, and that no Perſon ſhall refuſe to be a Serjeant, Corporal, or Drummer, in the Company or Troop, wherein he is Liſted, under the Penalty of Five Pounds.

And be it further Enacted and Ordained by the Authority aforeſaid, That all Captains of Companies of Foot or Troops of Horſe, ſhall within Six Months from and after Publication of this Act, Provide for their Companies, and Troops, Drums, and Colours, Trumpets, Trumpeters, and Banners. at their own Charge under Penalty of Ten pounds, and ſo for every Six Months ſuch Commanders ſhall remain unprovided, and that all the Colonels of the reſpective Regiments, or next Chief Officer in their Abſence ſhall once every Year at the Leaſt Iſſue out their Warrants to their Inferiour Officers commanding

ing them to make diligent Search and inquiry in their ſeveral precincts, that all be duly Liſted, Armed, and Equipped, and to return to them ſuch defects as ſhall be found, to the end the ſame may be reformed on Penalty of 100 Pounds and that once every two Months, or oftener, as occaſion ſhall require, and Command be given by the Commander in Chief, the ſeveral Companies and Troops in each Regiment ſhall Meet at the next and moſt convenient Places, to be appointed by their reſpective Officers, to be then and there by them Muſtered and Exerciſed, only the Regiment on *Port-Royal* ſhall Meet and Exerciſe one Company in each Week Succeſſively, and the whole Regiment once in Eleven Weeks.

And it is further Enacted and Ordained by the Authority aforeſaid That during the time the ſaid Officers and Souldiers are in Arms they ſhall obſerve and keep all and every of the Laws

Laws and Articles of War, and give all due Obedience to their Superior Officers, which Laws and Articles the Commander in Chief with Advice of a General Council of War, is to make and Eſtabliſh, and the Commanders of the ſeveral Regiments to give out Copies of the ſaid Articles unto their reſpective Officers, that the ſame may be publickly read once every Six Months unto the Souldiers, whilſt they are in Arms, that all Perſons may the better know and obſerve their Duties, and if it ſhall happen that any of the Officers or Souldiers, ſhall when they are out of Arms, endeavour to take revenge by force, for any thing his or their Superiour Officers Lawfully did in purſuance of his or their duty and this Act, the ſaid Officers and Souldiers ſhall be brought to a Court Marſhal and there puniſhed, as if the offence had been done in time of Service or Exerciſe: *Provided* that the ſaid Puniſhment do not Extend to Life or Limb.

And

And be it further Enacted by the Authority aforeſaid, That once every Year, or oftener if thereunto commanded, each particular Captain ſhall give to his Field Officer, and the Field Officer to the Commander in Chief, fair Written Rolls of their reſpective Companies and Regiments, and if any Field Officer, Captain or other Inferior Officer or Souldier, ſhall neglect or contemn performing the Lawful Commands of their reſpective Superiour Officers, he or they ſhall be puniſhed by Fine, Caſheering or Puniſhment according to the Diſcretion of a Court Marſhal, which the Commander in Chief is to appoint and Eſtabliſh, and the Orders of the ſaid Court Martial, are hereby declared to be Binding in all Military Affairs; And if any Perſon upon any Invaſion, or other Publique Military Service, be Wounded or Diſabled, he ſhall be Cured and Maintained out of the Publique Revenue, and if any Perſon whatſoever ſhall be Sued, Moleſted, or Impleaded, for any thing

thing Lawfully commanded in the Execution and Purſuance of this preſent Act, he ſhall plead the General Iſſue and give this Act in Evidence, and ſhall thereupon, if found for him, recover Coſts of Suit and treble Damages.

And be it further Enacted by the Authority aforeſaid, That upon every Apprehenſion and appearance of any Publique danger or Invaſion, the Commander in Chief do forthwith call a Council of War, and with their Advice and Conſent cauſe and Command the Articles of War to be Proclaimed at *Port-Royal* and St. *Jago de la Vega*, from which ſaid Publication the Martial Law is to be in Force, that then it ſhall and may be Lawful for the ſaid Commander in Chief to Command the Perſons of any of His Majeſties Leige People, as alſo their Negroes, Horſes, and Cattle, for all ſuch Services as may be for the Publick Defence, and to pull down Houſes, Cut down Timber, command

mand Ships and Boats, and Generally to Act and do with all full Power and Authority, all such things as he and the said Council of War shall think Necessary and Expedient for His Majesties Service and Defence of this Island: *Provided* always and it is the true Intent and meaning of this Act, that as soon as the Common Law revives and is in Force, the said Negroes, Servants, Cattles, Ships or Boats, so Imployed as aforesaid, be immediatly discharged; and to the end it may be certainly known, when the Martial Law ceaseth, and the Common Law taketh place, It is hereby declared that upon Lodging the Colours and discharging the Soldiers from their Arms, the Martial Law ceaseth and the Common Law revives and taketh place. *Provided* also that the Martial or his Deputy shall not presume to arrest, any such Souldier, within one Month after every such discharge, nor in the time of his going or coming, to or from the place of Exercise, or Rendevous, under

under the Penalty of Ten pounds, and of being further lyable to an Action of falſe Impriſonment; and in caſe of any ſuch Arreſt, it ſhall be Lawful for the reſpective Captain, or other Commiſſion Officer to releaſe any of his or their Souldiers ſo Arreſted.

And it is hereby further Enacted and Ordained by the Authority aforeſaid, That if upon any Alarm or Invaſion any Perſon or Perſons whatſoever ſhall ſuffer either by the Landing of an Enemy or drawing together His Majeſties Forces of this Iſland, all ſuch Damage or Damages whether in Servants, Negroes, Horſes, Cattel, or in the Labour of any of them, or in the expence of Proviſion, or by Fire, or by any other Loſs whatſoever, that may Accrue by the means aforeſaid, that then upon due application and Proof thereof made unto the Governour and Council, the ſaid Damages ſhall be reaſonably Valued, and forthwith payd out of the Publick Revenue,

Revenue, and that if there be no Mony there, the Governour and commander in Chief do forthwith call an Aſſembly, and recommend to them all Caſes of the like Nature, ſo that Mony may be Legally raiſed for the Publick Diſburſements, and every one receive juſt and equal ſatisfaction for their loſſes.

Provided always, and it is hereby Enacted and declared by the Authority aforeſaid, That the ſeveral Fines and Forfeitures Mentioned in this Act, and not Declared in what manner they ſhall be recovered, and how diſpoſed of, that all ſuch as do Relate to any Perſon under the degree of a Captain, ſhall be to the reſpective Captains to Defray the Charge of their Companies or Troops, and to be Levyed before the next Exerciſing day, by diſtreſs and Sale of the Offenders Goods by the Captains Warrant to the Serjeant or Corporal, and if no Diſtreſs be found, the Puniſhment to be by Ryding the Wooden Horſe,

Horſe, or being tyed Neck and Heels, not exceeding an Hour at the diſcretion of their Officer, but if the offender be a Servant the Owners Goods ſhall be lyable to the Diſtreſſes and Sales as aforeſaid, ſo that Satisfaction may be made; and for all other Penalties mentioned in this Act, the ſame ſhall be levyed by Diſtreſs and Sale of the offenders Goods and Chattels by the Provoſt Marſhal by Warrant from the Commander in Chief, one half thereof ſhall be to Our Soveraign Lord the King, His Heirs and Succeſſors for and towards the Support of the Government of this Iſland, and the Contingent Charges thereof, and the other half to the Informer.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful for any Commiſſion Officer belonging to the Regiment on *Port-Royal* under the degree of a Captain, in the abſence of the ſaid Captain from of the Point, to Grant Warrants of diſtreſs againſt any

any Perſons whatſoever that ſhall Abſent themſelves from their Duty on the night Guards, without ſending a ſufficient Perſon to ſerve and Watch in their Stead, which ſaid Warrants ſo Granted ſhall be as Effectual to all Intents and purpoſes whatſoever, as if they or any of them had been granted by the Captains themſelves.

And be it likewiſe Enacted by the Authority aforeſaid, That no Wherry, Ships Boat, or Canoa, ſhall at any time paſs the Fort at *Port-Royal* under the Penalty of Twenty Shillings to be recovered by Warrant from any Juſtice of the Peace, without giving Notice to the Captain of the ſaid Fort, or whoſoever ſhall Command in Chief therein in his Abſence, which ſaid Notice ſhall be ſufficient Leave to paſs the ſaid Fort, without any further Charge or trouble whatſoever, unleſs the ſaid Captain or other his Subordinate Officer have reaſonable cauſe to Suſpect the Perſon ſo deſiring leave, to have ſome evil

deſign in going off with, or carrying off any Perſons contrary to Law, in which Caſe it ſhall and may be Lawful for the ſaid Captain or his aforeſaid Officer to hinder their departure out of the Harbour until the ſaid Captain or Officer be ſatisfied of the Lawfulneſs of their occaſion, any Act, Cuſtom, or Uſage, to the contrary notwithſtanding.

Be it alſo further Enacted by the Authority aforeſaid, That no Perſon whatſoever preſume to Fire any ſmall Arms after eight of the Clock at Night, unleſs in caſe of an Alarm, Inſurrection, or other lawful occaſion, and in either of the ſaid Caſes Four Muskets or ſmall Arms diſtinctly Fired ſhall be taken for an Alarm from Quarter to Quarter, and every Perſon that ſhall be duly convicted before a Regimental Court Martial, of neglecting his Duty in taking and giving forward any Alarm by Firing Four Muskets or ſmall Arms as aforeſaid, or ſhall be Guilty of Firing any ſmall Arms after Eight of the Clock

at

at Night, unleſs as aforeſaid, ſhall be Fined, or otherwiſe puniſhed at the diſcretion of a Court Martial, not extending to Life or Limb.

And whoſoever ſhall be found to be a Tranſgreſſor herein, by the next Commiſſion Officer under Penalty of Five Pounds be cauſed to be Apprehended, and ſent under a Guard to the next Marſhal, who is hereby obliged under Penalty of Twenty Pounds to receive and ſecure the ſaid Offender until he ſhall be Tryed or Diſcharged by a Court Marſhal as aforeſaid.

And for the better Prevention of Falſe Alarms, That no Captain, Maſter, or Commander of any Ship, or Veſſel, Riding at Anchor in the Harbour of *Port-Royal* or any other *Bay* or Harbour, or any other Perſon, Fire any Gun after Sun ſet, under Penalty of Forty Shillings for every Gun ſo Fired, to be Levyed by Warrant from the Chief Officer not under the Degree of a Captain, who is

hereby Impowered to Adminiſter an Oath and give Judgment thereupon by Diſtreſs or Sale of the offenders Goods, and for want of Diſtreſs the ſaid Chief Officer is hereby Impowered to Commit ſuch Offender to Goal, there to remain until payment of the ſame, and that in Caſe the ſaid Chief Officer ſhall not perform his Duty therein, he ſhall forfeit Ten Pounds to be levyed by Warrant from the Governour or Commander in Chief for the time being; *Provided* always that this Clauſe ſhall in no ways concern or extend to any Captain, or Officer of any of His Majeſties Ships of War, for their Firing of one Gun for the ſetting of the Watch.

Provided always and it is hereby further Enacted and declared by the Authority aforeſaid, That nothing in this Act contained be expounded, conſtrued, or underſtood, to diminiſh, alter or abridge the power of the Governour or Commander in Chief for the time being, but that in all

all things, and upon all occaſions, he may act as fully and freely as Captain General and Chief Governour, to all Intents and purpoſes, as if this Act had never been made, any thing in this Act to the contrary notwithſtanding.

Provided alſo, And it is hereby Enacted and Declared by the Authority aforeſaid, That nothing within this Act, or any clauſe therein contained ſhall be deemed, conſtrued or underſtood, to give any Captain, General or Commander in Chief, any Power or Authority for the ſending any Perſon or Perſons of this Iſland againſt their will, or to do any other act or thing contrary or repugnant unto the known Laws of *England* or this Iſland.

An ACT

For prevention of Law Suits.

BE it Enacted and Ordained by the Governour, Council, and Aſſembly, And it is hereby Enacted and Ordained by the Authority of the ſame, That all Poſſeſſions of, or Titles to any Lands or Houſes whatſoever, derived by or from any Sales, for Valuable conſiderations made either by the Provoſt Marſhals, Creditors, or by the Executors, or Adminiſtrators, of any Perſons Deceaſed, or by the Husbands in Right of their Wives, or by the Endorſments or Delivery up of Patents, or by any Decrees in Chancery, or by any Laſt Wills and Teſtaments, or by any Patent Granted upon Judgment given in Writs of Eſcheat or *Ceſſavit*, and the ſaid Perſon or any claiming under them now being in Poſſeſſion

Poſſeſſion of the ſame, be by this preſent Act Ratified, Confirmed, and Declared good and Legal to all Intents and Purpoſes whatſoever; *Provided* always that ſuch Poſſeſſors or Purchaſors, their Heirs, or Aſſigns, have or ſhall continue in quiet or peaceable Poſſeſſion of the ſame, for the ſpace of Seven Years without any Claim or Interruption, and the ſaid Sales, Patents, Decrees, and Poſſeſſions, as aforeſaid, to be a perpetual Bar againſt all manner of Perſons Claiming, or to Claim, any Right or Title by Deſcent, Purchaſe, Marriage, or Limitation, for or by reaſon of any former Grant, Gift, Patent or Conveyance, any Law, Cuſtom, or Uſage, in any wiſe to the contrary notwithſtanding.

And it is hereby Enacted and Declared by the Authority aforeſaid, That in all Writs of Eſcheat hereafter to be Granted, the Provoſt Marſhal be commanded to Inquire by a Jury of Twelve Free and Lawful Men

upon their Oaths, (they then being upon the Premiſes) the true Value of all and ſingular, the Real Eſtate, which any Perſon ſo Dying without Heirs was at the time of his Death Sei zed of, and that after Office found and returned into the Supreme Court and Judgment hereupon given and Recorded, It be Lawful for the Governour for the time being, or in his abſence, the Commander in Chief, to paſs any Grant of the ſaid Eſcheated Eſtate, under the Broad Seal of this Iſland. *Provided* that a Clauſe be therein Inſerted, that the ſaid Grant ſhall determine and be Voyd, in caſe any Right Heir appears and Claims the ſame, and Legally approves himſelf to be Heir, within Three Years after the Date of the ſaid Patent, and that the Value of the ſaid Eſcheated Eſtate, as it was Appriſed at, ſhall be ſecured to be paid unto the Treaſury of this Iſland, after the Expiration of Three Years from the Date of the Patent, If no Heir in the mean time ſhall Obtain the ſame, by ſuch Perſon

Perſon or Perſons to whom the Governour or Commander in Chief, as aforeſaid, ſhall by Patent under the Broad Seal of this Iſland grant the ſame, and that the Treaſurer or Receiver, be hereby required to pay or cauſe to be paid, the Sum or Sums of Mony the ſaid Eſcheated Eſtate was Valued at, out of the Treaſury, unto or for the Uſe of ſuch Heir, who ſhall Claim the ſame, and Approve Himſelf to be Heir, before any other Payment whatſoever, which Proof of the Heirs Title ſhall be made by any publick Atteſtation, or otherwiſe as ſhall be beleived to be Evidence by the Judges and Jury, to be recovered at any time without Limitation.

And be it further Enacted by the Authority aforeſaid, That all Bills of Sale and Conveyances whatſoever, heretofore made, or that hereafter ſhall be made, by Husband and Wife, and acknowledged before the Judge of any Court of Record within this Iſland, and duly Recorded, ſhall be good

good and Valid in Law againſt all Perſons whatſoever, that can or may pretend to Claim any Eſtate in the Lands or Tenements ſo conveyed, to all Intents and purpoſes whatſoever, as if the ſame had paſſed by Fine and Recovery in any of his Majeſties Courts of *Weſtminſter*.

Provided always that where any true and Valuable Improvement is made on ſuch Eſcheated Land by the Patentee or Patentees during the ſaid Three Years, that ſuch Heir before his Entring upon the ſame ſhall ſatisfie and pay unto ſuch Patentee or Patentees, all ſuch Charges, as the Chancellour for the time being, ſhall judge to be reaſonably Expended, together with the Intereſt of the ſame, according to the Cuſtom of this Country, any thing herein contain'd to the Contrary notwithſtanding.

An

An ACT

For Eſtabliſhing Courts and directing the Marſhals *Proceedings.*

FOr the better and more Orderly Regulation and Eſtabliſhment of the ſeveral Courts of Juſtice within this Iſland, as well in reſpect of the time as place for holding the ſame, and alſo directing the Marſhals Proceedings, Be it Enacted by the Governour, Council, and Aſſembly, and it is hereby Enacted and Ordained by the Authority of the ſame, That the Judges of the Supream Court of Judicature for the time being, are hereby fully Impowered and Authorized to have Cognizance of all Pleas, Civil Criminal, and Mixt, as fully and amply, to all intents and purpoſes whatſoever, as the Courts of Kings Bench, Common Pleas and Exchequer within His

His Majeſties Kingdom of *England*, have or ought to have, and the ſaid Court ſhall be duly and conſtantly kept at the Town of St. *Jago de la Vega* and not elſe where, once every three Months, and not oftner, and that there be Five Judges at the leaſt appointed to hold the ſame Court, three whereof to be a *Quorum*, and that the ſeveral Inferior Courts of Common Pleas eſtabliſhed, or that ſhall be Eſtabliſhed in the ſeveral Precincts of this Iſland, ſhall have Juriſdiction over all Cauſes wherein any Free-hold isnot concerned, to the Value of Twenty Pounds with Cosles and no more, and that the ſame be held and kept at the ſame time and in the ſame place of the reſpective Precincts, where the Juſtices of the Peace ſhall hold and keep the Quarter Seſſions once every three Months, and that none of the ſaid Courts be kept oftner, nor in any other place or manner than is hereby declared.

Provided

Provided always and it is hereby Enacted by the Authority aforeſaid, that in reſpect *Port-Royal* is the Chief Seat of Trade within this Iſland, and it is found by Experience that a quicker and more ſpeedy diſpatch of all Maritine and Merchandizing affairs give the greateſt ſatisfaction to all Parties concerned, it ſhall and may be Lawful for the Judg or Judges of the Court there Eſtabliſhed, to hold and keep the ſame once every two Months and not oftner, and that it ſhall and may be Lawful for the Chancellour here for the time being upon application made to Grant a Juſtices to any of the Inferiour Courts, within this Iſland, any thing herein contained to the contrary notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That it ſhall not be Lawful for any Perſon or Perſons whatſoever Appointed, Elected or Choſen, to be a Judge or Judges of the aforeſaid Courts, to Execute or Officiate

Officiate his or their ſaid Place or Office, until ſuch time as he or they ſhall reſpectively take the Oaths of Allegance and Supremacy in open Court, and that none of the ſaid Judges directly nor indirectly ſhall ask, demand, or receive, any other profit, benefit or advantage, from any of the Clarks of the ſaid Courts, or other Perſon whatſoever, under colour or pretence of ſuch their Place, Office or Authority, but what is allowed them by the Acts of this Iſland, under the Penalty of Five Hundred pounds of Currant Mony of this Iſland.

And be it further Enacted by the Authority aforeſaid, That all and every of the Judges of the ſeveral Courts before mentioned, be and are hereby ſufficiently Empowered to make, order and eſtabliſh all ſuch Rules, and Orders for the more orderly practiſing and proceeding in their ſaid Courts, as fully and amply to all Intents and purpoſes whatſoever, as all or any of the Judges of the

ſeveral

ſeveral Courts of the Kings Bench, Common Pleas, and Exchequer in *England* Legally do, and that no Councillour or Attorney be ſuffered to practiſe in any of the ſaid Courts, until they be firſt admitted by the ſame, and have taken as well the Oath of an Attorny, as the Oaths of Allegiance and Supremacy under the Penalty of Twenty pounds of Currant Mony of this Iſland, and whatſoever Councillor or Attorney ſhall by negligence or ignorance miſtake his Clients Cauſe, and Imperfectly lay his Action or ill Draw the Declaration, whereby the Client ſhall ſuffer a Nonſuit, he or they ſo offending ſhall be lyable by Rule of Court, without any other Proceſs or courſe of Law whatſoever, to pay unto the party aggrieved full Coſts of Suit; and to the end that no Perſon ſhall be Damnified by miſtake of his Lawyer, for matter of Form only, Be it Enacted and Declared by the Authority aforeſaid, That the Judges ſhall at all times on Motion made in Court, order Amendments,

ments, and ſhall not upon Arreſt of Judgment or Writ of Errour for matter of Form only, reverſe any Judgment whatſoever, And be it Enacted and Declared by the Authority aforeſaid, That no Action of Waſt ſhall be permitted to be brought or allowed to lye within any Court of this Iſland, and that no Free-holder whatſoever, being of known Reſidence, ſhall be Arreſted by any Proceſs out of any of the ſaid Courts upon the Penalty of Twenty pounds Currant Mony to be paid by the Plaintiff to the Party ſo Arreſted, and what Action or other proceeding whatſoever ſhall be entred, ſued, had, made, or proſecuted thereupon, contrary to the true intent and meaning thereof ſhall and is hereby declared to be void and of no Effect to all intents and purpoſes whatſoever, And that no Suit be had or Proceſs taken out of the Supream Court of Judicature for any matter or Cauſe of Action under the Value of Twenty pounds Currant Mony of this Iſland, upon the Penalty of Twenty Pounds

Pounds of the like Money, to be paid by the Plaintiff in the ſaid Action, but that the ſame be tryed in the Court of the Precincts, where ſuch Cauſe of Action doth ariſe, *Provided* that both Parties reſide there, and that the Inhabitants and Reſidents, in St. *Catharines*, St. *Dorothy's*, St. *Thomas* in the *Vale*, and St. *Johns*, Sue as formerly in the Supreme Court for any Sum whatſoever, until they ſhall have Petty Courts Erected in their own Pariſhes, any thing in this Act to the contrary notwithſtanding.

And it is further Enacted by the Authority aforeſaid, That in all and every the Inferiour Courts within this Iſland, upon Summons duly ſerved, and the Defendant not appearing, Judgment ſhall go by default in the ſame manner and form, as in the Supreme Court; *Provided* always that it is the true Intent and meaning of this Act, that as well in the Supreme Court as any other the Inferiour Courts within this Iſland, the Provoſt

Marſhal or his Lawful Deputy ſhall appear in open Court and there depoſe upon Oath, that the Party or Parties againſt whom Judgment ſhall go by default, hath been legally Summoned Fourteen Days before the ſaid Court, any thing in this Act or any other to the contrary notwithſtanding.

And it is likewiſe Enacted and Ordained by the Authority aforeſaid, that upon any Declaration exhibited in debt upon ſpecialty or Bill under hand, or in caſe of a book Debt upon a *Conceſſit Solvere* and diſcloſing the ſpecial matter to the Chief Judge of the Supream Court, of Judicature that the ſaid debtor againſt whom the Plaint is entred is either gone off this Iſland, or that upon proceſs already taken out againſt him, a *Non eſt Inventus* hath been returned, an Attachment ſhall then Iſſue, thereby commanding the Provoſt Marſhal, or his lawful Deputy to attach ſuch Monys Goods, Chattels, or Debts in the hands of the Poſſeſſors of the ſame, be they

they Attorney, Wife, Servant or any other Perſon, and alſo require them to appear at the next Court, to ſhew Cauſe, why the ſaid Money, Goods, Chattels or Debts, or ſo much thereof as will ſatisfie the ſaid Debts then demanded, ſhould not be delivered to the Plaintiff; at which Day, if the ſaid Poſſeſſor or Debtor, be they Attorney, Wife, Servant, or other Perſon, as aforeſaid, be convicted by Confeſſion, Verdict, or otherwiſe, that the ſaid Moneys, Goods, Chattels or Debts do properly belong to the perſon ſo gone off this Iſland, or otherwiſe abſented himſelf as aforeſaid, and if the Plaintiff before or after due proof made, do ſolemnly ſwear in open Court, that his Debt is true, and that directly or indirectly no part or parcel of what he demanded is ſatisfied, and alſo give in Security in double the Sum he demands, to reſtore the ſame with treble Dammages, or ſo much thereof as ſhall at any time afterwards be diſproved, that then and in all ſuch

Caſes the Plaintiff ſhall have Judgment to recover the ſaid Debt out of the ſaid Money, Goods, Chattels or Debts ſo attached as aforeſaid.

Provided always, That if any will appear as Attorney to the ſaid Debtor and put in Bail to anſwer the Action and pay the Condemnation, that then and in all ſuch Caſes the Attachment on the ſaid Money, Goods, Chattels or Debts ſhall be diſſolved, and Proceedings had according to the Cuſtom of the Common Law, but if the Poſſeſſor or Owner of ſuch Money, Goods, Chattels or Debts, be they Attorney, Wife, Servant, or other perſon, as aforeſaid, ſhall after Attachment ſo laid on them in the reſpective hands diſpoſe of the ſaid Money, Goods, Chattels, or Debts, towards the payment of any other Debts, before the ſaid Debt, for which the Attachment was laid, be ſatisfied, or the ſaid Attachment be diſſolved, that then and in all ſuch Caſes the ſaid Party, for ſuch their Default,

Default, ſhall be liable to make ſatisfaction to the Plaintiff out of their own proper Eſtates.

And be it further Enacted and Ordained by the Authority aforeſaid, That in all Debts not exceeding Forty Shillings, upon Complaint made to any Juſtice of the Peace, that the Debtor againſt whom he complaineth is gone off this Iſland, or otherwiſe abſented himſelf, that then it ſhall and may be lawful for the ſaid Juſtice of the Peace to iſſue out a Warrant of Attachment to be levied by the Conſtable, in manner and form as is before preſcribed, to the Provoſt-Marſhal for the Execution of the Writ, and to be immediately determined by the ſaid Juſtice, any Clauſe in this Act or any other to the contrary notwithſtanding.

And be it further Enacted and Ordained by the Authority aforeſaid, That all Summons and other Proceſs hereafter mentioned ſhall be ſerved

and executed in manner and form, as is herein directed, and in no other manner or way whatſoever, (that is to ſay) That all Summons as well from the Supreme Court as all other the Inferiour Courts within this Iſland, *Port-Royal* only excepted, ſhall be delivered to the Party, or left at their reſpective Dwellings fourteen days before the ſeveral Courts by a ſworn Marſhal, and that at *Port-Royal* all Summons ſhall be delivered ten days before the Courts, otherwiſe it ſhall be deemed and taken as no Service, and the Defendant not bound by it to appear; and that all Replevins, Foreign Attachments at the Supreme Court and Warrants of Arreſt be ſerved at any time as heretofore, and that no Execution ſhall be taken out, ſerved or executed until Twenty Eight Days be fully expired after Judgment, except at *Port-Royal*, where Execution ſhall iſſue Ten Days after Judgment obtained, and that no Negroes, Horſes, or any manner of Utenſils belonging to a Plantation,

Brick

Brick or Pot-work, nor any other Negroes whatſoever, from and after the making hereof ſhall be taken in Execution, where the Party againſt whom the Execution is obtained, ſhall offer Goods for ſatisfaction of the Debt and Coſts of Suit.

And it is further Enacted, That the ſaid Defendant who hath his Goods taken upon Execution ſhall have free liberty to convey and carry off the Goods ſo taken at his own proper Coſts and Charges to the next and moſt convenient place and Market for diſpoſal of the ſaid Goods, and there ſhall have free power and liberty to make Contracts, bargain for and ſell the Goods ſo taken in Execution, the Defendant firſt acquainting the Marſhal who levied the Execution upon the Goods, with ſuch Bargain or Contract, to the end the Marſhal may deliver the ſame, and receive the Produce thereof according to his Precept.

And it is further Enacted by the Authority aforeſaid, That if the Defendant, after his Goods ſhall be ſo taken in Execution as aforeſaid, ſhall delay or neglect ſelling or diſpoſing of the Goods until ten days before the next enſuing Court, that then and in all ſuch Caſes, it ſhall and may be lawful for the Marſhal to take the ſaid Goods and Chattels of the Defendant, and the ſame to ſell by publick Outcry.

And it is further Enacted by the Authority aforeſaid, That where no ſuch Goods as aforeſaid ſhall be ſhewn and offered to the Provoſt-Marſhal, ſo that the Negroes, Working-Cattel, or neceſſary Utenſils muſt be taken in Execution; that then and in all ſuch Caſes the ſaid Negroes, Horſes or Utenſils ſhall not be removed, but remain ſtill in the Defendants poſſeſſion, and that upon the Marſhals return at the ſame Court as aforeſaid, that he hath levied ſuch Effects and left them in the

the Defendants hands, there iſſue out a *Venditioni Exponas*, without any charge of Mile-money, in theſe words following:

The King to the Provoſt-Marſhal, Greeting,

WHereas *We lately commanded thee by Our Writ, That of the Goods and Chattels real and perſonal of* A. B. *thou ſhouldeſt levy or cauſe to be levied*

as alſo

Coſts of Suit which C. D. *hath recovered againſt him, By Vertue of which Writ thou didſt return unto Us, that thou hadſt taken in Execution of the Goods of the ſaid* A. B. *to the Value of the ſaid Debt and Coſts of Suit, which ſaid Goods remain in the Cuſtody of the ſaid* A. B. *by thee in form as aforeſaid taken, thou expoſe to ſale, and the Money thereof coming thou immediately render to the ſaid* C. D. *for his Debt or Dammages and Coſt as aforeſaid, but if the Goods aforeſaid ſhall be*

be imbezell'd or made away, or that the ſaid A. B. *doth not deliver the ſame, that then thou levy the ſaid Debts or Dammages and Coſts upon any other the Goods and Chattels of the ſaid* A. B. *and immediately expoſe them to ſale, and if thou canſt not find ſufficient Goods or Chattels, by which the whole Debt or Dammage and Coſts may be ſatisfied, that then you take the Body of the ſaid* A. B. *and him ſafely keep, ſo that thou have his Body before Us, at Our next Court, to ſatisfie the ſaid* C. D. *of the ſaid Debt or Dammages and Coſt, or ſo much thereof as by thee cannot be levied, and have thou then and there this Writ.* Witneſs, *&c.*

By vertue whereof the ſaid Goods ſhall be ſold by publick Outcry at the next Court of the Precincts, where the Goods are taken, and if they are ſo arreſted or taken in the Pariſh of St. *Catharines*, St. *Dorothy's*, St. *Thomas* in the Vale, or St. *John's*, until they ſhall have petty Courts of their own erected, Publication ſhall be then

then made at the ſame Court, that the Return is made, that the ſaid Goods ſhall be ſold twenty Days after by publick Outcry in the Parade-place of *St. Jago de la Vega*, and the Money ariſing from the ſaid Sale ſhall not remain in the Marſhals hands, but be paid to the Plaintiff, or his Order within ten days, under the Penalty of half the Debt to be recovered by the Plaintiff to his own Uſe, in any Court of Record within this Iſland, where no Eſſoin, Protection, or Wager of Law ſhall be allowed.

And it is further Enacted by the Authority aforeſaid, That where the Perſon againſt whom ſuch Execution is iſſued hath not the Goods aforementioned in this Act by him to ſhew and offer to the Marſhal within the time preſcribed, that nevertheleſs the Marſhal ſhall not lay the Execution upon any Negroes, Working-Cattel, or Utenſils upon or belonging to any Plantation, Brick or Pot-work, or any

any other Negroes whatſoever, if the Defendant ſhew or deliver to him any other Stock or Cattel being in a Pen, the ſaid Cattel or Stock to be ſold by publick Outcry, upon *Venditioni Exponas*, to be iſſued as aforeſaid.

And it is further Enacted and Ordained by the Authority aforeſaid, That all Accidents that happen, whilſt the Goods that are taken in Execution, remain in the Defendants poſſeſſion, be born and made good by the Defendant, and that no property ſhall be by the Defendant transferred or made in or to any ſuch Goods that ſhall be ſo taken in Execution by vertue of this Act. *Provided* always and it is hereby further Enacted and Declared, That where the Body of the Defendant ſhall be taken in Execution, that nevertheleſs if any Effects afterwards appear, the Plaintiff may take out another Execution, and levy the ſame on the ſaid Effects, for ſatisfaction of the ſaid Debt, any Law, Cuſtom or Uſage to the contrary notwithſtanding. And

And it is further Enacted by the Authority aforeſaid, That where any Priſoner or Priſoners under Execution, ſhall have nothing to maintain him, her or themſelves, that then he, ſhe or they diſcloſing the ſame upon Oath unto two Juſtices of the Peace of the Pariſh where he, ſhe or they ſhall be Priſoners, and making it appear to the Judges of the Supreme Court, that he, ſhe or they have given notice to all their Creditors ten days before the ſaid Court, that they or either of them intend to take the benefit of this Act, bringing likewiſe to the ſaid Court a Certificate of ſuch their Oath under the Hands and Seals of the ſaid Juſtices, that then the Priſoner or Priſoners ſo taken in Execution ſhall be publickly let to hire at the ſaid Court, the Marſhal receiving for his Fees a proportionable ſhare with the other Creditors, and the Money ſo ariſing from the ſaid Hire ſhall be paid to ſuch perſons, as the Court ſhall appoint, to be equally divided

divided among the Creditors as aforeſaid, but in caſe any Creditors ſhall refuſe to conſent to letting the ſaid Priſoner or Priſoners to hire, that then ſuch Creditor ſhall pay or cauſe to be paid to the ſaid Priſoner or Priſoners Three Shillings and Six Pence Weekly. *Provided* always and it is hereby Enacted, That if any Priſoner or Priſoners ſo let to hire ſhall at any time afterwards come to have or enjoy an Eſtate, having not firſt ſatisfied their Debts, that then at all times hereafter the Judgment obtained againſt him, her or them ſhall remain good and in force, and another Execution ſhall be taken out and levied againſt the Goods and Chattels of the ſaid Priſoner or Priſoners, whereſover they ſhall be found.

And be it further Enacted by the Authority aforeſaid, That if the Provoſt-Marſhal by himſelf or any of his Deputies ſhall levy any Execution in any other manner than what is herein

herein before declared, or ſhall ask, demand or receive any Mile-money for the Executing any Writ of Execution or *Venditioni Exponas*, ſhall forfeit One hundred Pounds currant Money of this Iſland for every ſuch Offence, to be recovered in any Court of Record within this Iſland, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed, the one Moity whereof ſhall be to Our Soveraign Lord the King, His Heirs and Succeſſors, for and towards the ſupport of the Government of this Iſland, and the contingent Charges thereof, the other Moity to the party aggrieved.

And it is further Enacted by the Authority aforeſaid, That the ſeveral Fines, Forfeitures and Penalties beforementioned in this Act, and not declared how they ſhall be diſpoſed of ſhall be recovered in any Court of Record within this Iſland, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed, the one Moity whereof ſhall be

be to Our Soveraign Lord the King, His Heirs and Succeſſors, for and towards the ſupport of the Government of this Iſland and the contingent Charges thereof, and the other Moity to the Informer, or he that ſhall ſue for the ſame.

An

An ACT

Appointing where the Laws of this Iſland ſhall be Lodged.

WHereas no place hath been hitherto appointed for the lodging and ſecuring the Acts of this Iſland, ſo that his Majeſties Subjects have been at no Certainty where to find the ſame and take Copies thereof, to their great detriment and Inconveniency; for remedy whereof for the future, Be it Enacted and Ordained by the Governour Council and Aſſembly, And it is hereby Enacted by the Authority of the ſame, That from and after the end and determination of this preſent Seſſion as well the Original Act heretofore made and Enacted ſince the Seventeenth Day of of *March* in the Year of Our Lord One Thouſand Six Hundred and Eighty, as thoſe alſo herewith, or

that ſhall hereafter be Enacted ſhall be Lodged in the Secretaries Office of Enrolments at St. *Jago de la Vega*, and not elſewhere, and the Secretary for the time being ſhall at all Office Hours be ready to ſhew all or any of the ſaid Acts when thereunto required by any of His Majeſties Subjects as may or ſhall have occaſion to View the ſame, and ſhall give Copies thereof, or any Clauſe in any of them contained for which he ſhall be allowed Eight pence *per* Sheet accounting Sixteen Lines to a Sheet, and Fourteen Words to a Line, and that he ſhall likewiſe be allowed for Comparing and Examining any Copy containing the whole body of the Laws with the Originals, Forty ſhillings Currant Mony and no more, and to the end His Majeſties Subjects may be fully ſatisfied no Embezelment, Razure, or Defacements of the ſaid Acts, or any of them ſhall for the future, be Committed in the ſaid Office, it is Enacted and Ordained by the Authority aforeſaid, that the Secretary of

of this Iſland, or his lawful Deputy that ſhall Act in his Room or Stead ſhall give in Bond with good and ſufficient Security to Our Soveraign Lord the King, His Heirs and Succeſſors, in the Penalty of Four Thouſand Pounds in the following Condition.

THE Condition of this Obligation is ſuch, that if the above bound A. B. *ſhall and do well and faithfully Execute and Perform the Offices and places of Secretary, and Clerk of the Enrolments for this His Majeſties Iſland of* Jamaica, *and alſo faithfully and truly keep and preſerve in his ſaid Office, all and every the Acts of this Iſland made ſince the ſeventeenth Day of* March *in the Year of our Lord God One Thouſand Six hundred and Eighty, ſo that his Majeſties Subjects may have recourſe thereunto, and do in all things elſe comply with the Duty of the ſaid Offices according to the Truſt repoſed in him and according to the Laws of this*

Iſland in ſuch Caſes made and provided, that then the above written Obligation to be void and of none Effect, or elſe to remain in full force and vertue.

Provided always that neither the ſaid Secretary nor his Deputy for the time being do or ſhall from and after the Twentieth Day of *November* next enſuing, preſume to Act or Officiate his ſaid Office until he or they ſhall enter into the aforeſaid Bond, with the Condition before recited, upon Penalty of Five Hundred Pounds for every time he or they ſhall ſo Officiate or Act in his ſaid Office to be recovered in the Supream Court of Judicature in this Iſland, by Bill, Plaint or Information, wherein no Eſſoin, Protection, Injunction, Wager of Law or *Non vult ulterius proſequi* ſhall be admitted or allowed, the one half to be to our Soveraign Lord the King, His Heirs and Succeſſors, for and towards the Support of the Government of this His Majeſties Iſland and the Contingent

tingent Charges thereof, and the other half to the Informer, or him that ſhall Sue for the ſame, any Law, Cuſtom or Uſage, to the contrary in any wiſe notwithſtanding.

Provided alſo and be it hereby Declared, That if the Secretary or his Lawful Deputy for the time being in this Iſland, ſhall enter into Bond as aforeſaid, which ſaid Bond ſhall be lodged as is appointed in an Act entituled an Act for Regulating Fees, That then it ſhall be accounted ſufficient to diſcharge him or them from entring into any other Bond, or Security required by the Acts of this Iſland, any thing herein or in any other Act to the contrary notwithſtanding.

An ACT

For raiſing a Publick Impoſt.

WE His Majeſties Moſt Dutiful and Loyal Subjects, the Aſſembly of this His Majeſties Iſland, being duly ſenſible, of His Majeſties extraordinary Grace and Favour in reſtoring unto us our Ancient Form of making Laws, and in the Great Aſſurance given us of His Princely reſolution, to apply not only the Revenue by us now intended to be raiſed, but even all His Majeſties Quitt Rents ariſing from Lands granted or to be granted within this Iſland, to the Support of the Government of this His Majeſties Iſland, and the Contingent Charges thereof, and to no other uſe whatſoever, And we likewiſe taking into our ſerious conſideration the great expence His Majeſty hath, and may be at in and about the Support

Support of the Government of this His Iſland, and the Contingent Charges thereof, as alſo the Great Sums of Mony required for the Reparation of His Forts and Fortifications now much decayd; and the apparent danger and inconveniency that may accrue by any longer neglect, have Cheerfully and Unanimouſly given and granted, and do hereby give and grant, unto His Moſt Excellent Majeſty, his Heirs and Succeſſors, for and towards the Repairing and Building Forts and Fortifications, and for the defraying of the many neceſſary and contingent Charges, in and about the Support of the Government of this His Majeſties Iſland, a certain Impoſt on the ſeveral Liquors and Goods hereafter mentioned, and Humbly Beſeech His Majeſty, to accept the ſame, and that it may be Enacted, And be it Enacted by the Governour, Council, and Aſſembly, and it is hereby Enacted and Ordained by the Authority of the ſame, That from and after, the firſt day of *October* in

the Year of our Lord One Thouſand Six Hundred Eighty and Two, All the following Liquors and Goods hereafter ſpecified, that ſhall be Imported, ſhall pay after the Rates hereafter mentioned, That is to ſay, all *Spaniſh* and *Madera* Wines the Sum of Four pounds *Per Tun*, all Wines Imported, of the Growth of the Weſtern Iſlands or Mixture of the *Madera* Wines, with thoſe of the Weſtern Iſlands, the Sum of Ten Pounds *Per Tun*, every *Tun* of *French* or *Rheniſh* Wines Three pounds, Every Gallon of *Brandy* one Shilling, every Gallon of Engliſh *Spirits* Three Pence every Tun of *Beer* or *Syder* Eight Shillings, every Tun of *Mum* or *Metheglin* Forty Shillings, for every Hundred Pounds of White *Sugar* Ten Shillings, for every Hundred Pounds of *Muſcovado* or *Pameel Sugar* Six ſhillings, for every Pound of *Indigo* Six pence, for every Pound of *Tobacco* two Pence, for every Hundred Pounds of *Ginger* Ten ſhillings, for every Gallon of *Rum* One Shilling and Six Pence,

Pence, for every Hundred Pounds of *Cocoa* Ten Shillings, and ſo proportionably for a greater or leſſer quantity, of the ſeveral Liquors and Goods aforeſaid, imported into this Iſland by way of Merchandize.

And be it further Enacted by the Authority aforeſaid, That every Merchant or other Perſon Importing any Wines or other Liquors into this Iſland, ſhall (being thereunto required by the Collector) within Twenty Days after Landing, make up Accounts and give Bonds in the Penalty of double the Value the ſame ſhall amount unto, and upon ſuch accompt ſo to be made up and Bond given as aforeſaid, ſhall be allowed after the rate of Ten *Per Cent* for Leakage, and ſhall have time for Payment thereof, as is hereafter Mentioned; That is to ſay, from the end and expiration of the firſt two Months, from the making up ſuch Accompts to pay one third part thereof, and another third part at the end of the fourth Month and the remainder at the

the end of the Six Months, And that every Hogs-head of Wine or other Liquors, that ſhall not have full Seven Inches or above left therein, and every Butt or Pipe not above Nine Inches ſhall be accounted for outs, and the Merchant or Importer, to pay no Cuſtom for the ſame, and in caſe of difference that may ariſe between the Importer, or Maſter of the Veſſel touching Leakage on Board, and for Wines or Liquors that ſhall happen to Soure within the aforeſaid Twenty Days, the Perſon or Perſons ſo aggrieved, ſhall have a Warrant of Survey from the Naval Officer, who is hereby impowered and required to grant the ſame, and that returns of ſuch Warrants to be granted as aforeſaid, ſhall be made upon Oath to the ſaid Naval Officer, and by him remitted to the Collectors Office inOrder to the making up their Accompts with the Collector, and better proving their Damage by Ill Stowage or otherwiſe,and in caſe any ſuch Merchant or Importer ſhall (being

ing thereunto required as aforeſaid) refuſe to make up his Accompts and give Bonds as aforeſaid he ſhall loſe the benefit of the Ten *Per Cent* for Leakage, and the time given for the payment of the Mony, and if the Receiver ſhall be forced to Sue for the ſame, and do recover, the Defendant ſhall pay treble Damages.

And it is further enacted by the Authority aforeſaid, that if at the entry of any Ship or Veſſel, in the Naval Office it ſhall appear by the Maſters report or otherwiſe, that he hath imported any *Madera* Wines he the ſaid Maſter or the Boat-ſwain ſhall take the following Oath, which the ſaid Naval Officer is hereby Impowered to adminiſter, *I* A. B. *do ſwear that the Wines by me Imported, were taken on Board at the Iſland of* Madera, *and that I do not Directly or Indirectly know, but that the ſaid Wines, are of the ſaid Iſland, without any mixture of the Wines of the growth of any of the Weſtern Iſlands; ſo help me God.* And if the ſaid Maſter or Boat-ſwaine ſhall refuſe

fuſe to take the aboveſaid Oath, that then the ſaid Wines ſo Imported ſhall be deemed and taken, to be Wines of the Growth of the Weſtern Iſlands, and ſhall pay Cuſtoms accordingly.

And it is further Enacted and Declared by the Authority aforeſaid, That if all or any of the aforeſaid Liquors or Goods lyable to the Duties aforeſaid, be Landed and afterwards Exported, within Twelve Months after the Importation thereof, that the Collector or Receiver ſhall diſcompt or repay unto the Owners or their Aſſigns half the Cuſtoms of the ſaid Liquors, and Goods, according to the Rates before mentioned, which the Collector or Receiver is to repay or compt, on the Penalty of double the Sum for every ſuch refuſal, to the Party aggrieved. And it is likewiſe further Enacted and Declared by the Authority aforeſaid, that all Ships and Veſſels coming from any Place to the Northward of the *Tropick* of Cancer to Trade within this Iſland, ſhall reſpectively Pay for every Tun ſuch Ship

Ship or Veſſel ſhall contain, and for every time they arrive, one Pound of good and new Gun-powder, and alſo all Ships and Veſſels trading any way to the Southward of the *Tropick* of *Cancer*, ſhall reſpectively pay, for every Tun ſuch Ship or Veſſel ſhall contain, One Pound of good and New Gun-powder, once every Year and no more, the ſame to be to our Soveraign Lord the King, His Heirs and Succeſſors, for the publick uſe of this His Majeſties Iſland.

And it it is likewiſe further Enacted and Ordained by the Authority aforeſaid, That the Collector or Receiver appointed for the receipt of ſuch Gun-powder ſhall receive the ſame *in Specie*, and not preſume in lieu thereof, to receive mony or any other conſideration whatſoever, upon Penalty of Twenty Pounds Currant mony for every ſuch offence.

And it is likewiſe Enacted by the Authority aforeſaid, That if any Maſter or Commander of any Ship or Ships,

Ships, Merchant Factor, Purſer, Mariner, or any other Perſon whatſoever, without the preſence of the Collector, or ſome Perſon appointed by him, or notice given him, or before his or their Regular entry, made with the ſaid Collector, or payment of the Duty or Security given by Bond as aforeſaid, ſhall after Sun-ſet, and before Sunriſing put on Shoar, or put into any Boat or Veſſel in order to Landing any of the Liquors, or any Goods contained or mentioned in this Act, with an intent to defraud His Majeſty of his Cuſtoms for the ſame, the ſaid Liquors and Goods ſhall be forfeited, two Third parts to Our Soveraign Lord the King, His Heirs and Succeſſors for and towards the ſupport of the Government of this Iſland and the contingent Charges thereof, and the other third part to the Informer or Seizer, be it the Receiver his Agents, or any other Perſon whatſoever, the ſame to be recovered by Bill, Plaint or Information, in any Court of Record within this Iſland, any thing in this

Act

Act or any other to the contrary notwithſtanding, And all manner of Perſons, are hereby required to be Aiding and Aſſiſting to the Receiver, his Agents, the Informer, Diſcoverer and Seizer of ſuch Liquors or Goods ſo Landed or unladen contrary to the true intent and meaning of this Act.

And it is hereby further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful for the Receiver, his Agents, the Informer or Diſcoverer, by Vertue of a Warrant from the Commander in Chief, or any of his Majeſties Juſtices of the Peace, to that purpoſe firſt obtained, with one Conſtable or more, to ſearch according to Law all manner of Houſes Cellers Warehouſes, and Shops, for ſuch Liquors and Goods as they or any of them ſhall be Informed, were carryed there to be concealed in prejudice, to the true meaning of this Act, and ſuch Liquors and Goods ſo found, ſhall be forfeited and Condemned in Manner and Form before mentioned; *Provided* that

that the Search be made within Three days after Information.

And it is likewiſe further Enacted and Ordained by the Authority aforeſaid That during the continuation of this Act the Collector or his Deputy give his or their attendance at his Office, from Nine to Eleven of the Clock in the Morning, and from two to Four in the Afternoon, upon Penalty of Twenty Pounds Currant mony of this Iſland for every default.

Be it likewiſe Enacted and Ordained by the Authority aforeſaid, That all and every Perſon and Perſons whatſoever in this Iſland, which from and after the making of this Act, ſhall have or receive from the Governour or Commander in Chief of this Iſland a Licence to Sell and retail any Strong Liquors in any part of this Iſland, ſhall pay for the ſaid Licence, and every Year for renewing of the ſame, the Sum of five Pounds Currant Mony, to Our Soveraign Lord the King

His

His Heirs and Succeſſors. And whoſoever ſhall preſume to Sell by Retail any of the ſtrong Liquors as aforeſaid, without ſuch Licenſe had and obtained as aforeſaid, ſhall forfeit for every ſuch Offence, the Sum of Ten Pounds currant Money of this Iſland.

And it is hereby Enacted and Declared by the Authority aforeſaid, That if any new Setler or Comer ſhall import into this Iſland any Rum, Sugar, Tobacco, Indico, Cocoa, Ginger, or Cotton, by himſelf, or any other perſon or perſons for his or their better conveniency in Settling and Planting, and ſhall not only declare, ſuch his or their intentions upon Oath before the Collector, who is hereby impowered to Adminiſter the ſame at the time of importation, but ſhall likewiſe make the ſame appear, within three Months after his or their arrival, by ſome viſible effect, which he or they ſhall ſhew, in order to it, that then the ſame being ſufficiently made known and appear to the ſaid

Collector or Receiver, the ſaid Goods ſhall not be chargeable with any Duty or Cuſtoms, any thing in this Act to the contrary notwithſtanding, And the ſaid new Comers to enjoy the aforeſaid Priviledge for three Months after their arrival. *Provided* alſo, that it ſhall and may be lawful, for any Maſter or Merchant of any Ship or Veſſel to land or put on ſhore, any of the ſaid Goods, without being further liable to pay any Duty or Cuſtom for any part or parcel thereof, more than what he ſhall ſell or diſpoſe of within this Iſland, any thing in this Act to the contrary notwithſtanding.

And it is further Enacted, by the Authority aforeſaid, That as well his Majeſty's Quit-Rents, ariſing from Lands granted or to be granted, within this Iſland, and every part and parcel thereof, as alſo all and every part of the Revenue, hereby granted, or which hereafter ſhall grow due by Vertue of this Act, or any thing herein

herein contained, ſhall be applied and appropriated, and are hereby appropriated to the Support of the Government, of this his Majeſty's Iſland, and the contingent Charges thereof, and to no other uſe, intent or purpoſe whatſoever.

And that His Majeſty's Forts and Fortifications within this Iſland, may for the future be kept in better repair, And if His Majeſty in his great Wiſdom ſhall think convenient, other new ones may be built: Be it further Enacted by the Authority aforeſaid, That the Sum of One Thouſand Pounds *per Annum*, ariſing as aforeſaid, be, during the Term of Seven Years, Annually paid and appropriated unto the Repairing, Building and Rebuilding of His Majeſty's Forts and Fortifications, within this Iſland, and to no other uſe, intent and purpoſe whatſoever, and the ſame is hereby appropriated accordingly.

And it is hereby further Enacted, by the Authority aforeſaid, That the Collector or Receiver-General of this Iſland, for the time being, or he that ſhall Officiate in his room or ſtead, ſhall annually, during the Term aforeſaid, out of the Money received by Vertue of this Act, charge down the ſaid One Thouſand Pounds ſo as aforeſaid appropriated, to the particular Accompt of the Fortifications, and ſhall keep a diſtinct Book of Accompts for the ſame, which Book of Accompts, ſhall be free and open at all Office-hours, for any perſon to view the ſame, without paying any manner of Fee therefore; and that the ſaid Receiver-General or his Deputy ſhall (when and as often as thereunto required, by the Governour, Council or Aſſembly when ſitting, or to any Committee by them or either of them to be appointed) give in upon Oath (which Oath they are hereby empowered to Adminiſter) a juſt and true Accompt of the particular Diſburſements

burſements out of the Thouſand Pounds *per Annum*, ſo appropriated as aforeſaid, and that the ſaid Receiver-General ſhall with good and ſufficient Security, ſuch as ſhall be approved of by the Governour and a *Quorum* of the Council, enter into Bond in the Penalty of Five Thouſand Pounds (which Bond ſhall lie in the Secretary's Office, to be ſued, in manner and form, as is directed in an Act, requiring all Maſters of Ships and Veſſels to give Security in the Secretaries Office) under the Condition hereafter expreſſed; That is to ſay,

THE *Condition of this Obligation is ſuch, That if the above bound* A.B. *Collector or Receiver-General, ſhall well and truly accompt for as often as he ſhall be thereunto required, by the Governour for the time being, and a* Quorum *of the Council, or a Committee of the Aſſembly, all and every ſuch Sum and Sums of Money, which either have or ſhall come to his hands, either by Vertue of an Act, intituled,* An Act

for Raiſing a Publick Impoſt, *made at an Aſſembly held by Prorogation the Fourth day of* October, *in the Thirty third Year of His Majeſties Reign, or an Act, intituled,* An Act for Raiſing a Publick Impoſt, *made at an Aſſembly held by Prorogation the Twenty firſt day of* September, *in the Thirty fourth Year of His Majeſty's Reign that now is, or any other Act or Acts whatſoever, as alſo well and truly to pay the Sum of One Thouſand Pounds yearly and every Year, for and during the time the aforeſaid Act, made in the Thirty fourth Year of the King's Reign, intituled,* An Act for Raiſing a Publick Impoſt, *ſhall be in force, by Warrant of the Governour, with the Advice and Conſent of a* Quorum *of the Council, for and towards the Repairing and Building Fortifications, and alſo pay all other Sums of Money, according to the intent and meaning and to the uſes mentioned and directed in the ſaid Acts, that then this preſent Obligation to be void, otherwiſe to remain in full force and vertue.*

And

And in caſe the ſaid Collector or Receiver-General or his Deputies ſhall preſume to Act in the ſaid Office, longer than twenty days after the paſſing of this Act before he hath given the Security, with the Condition aforeſaid, he or they ſhall for every ſuch Offence, forfeit the Sum of One Thouſand Pounds currant Money of this Iſland. One third part thereof to be to our Soveraign Lord the King, His Heirs and Succeſſors, for and towards the ſupport of the Government of this Iſland and the contingent Charges thereof, One other third to the Informer, or him that ſhall ſue for the ſame, and the other third to the Poor of the Pariſh, where the ſaid Informer ſhall be reſident, to be recovered in any Court of Record within this Iſland, by Bill, Plaint, or Information, wherein no Eſſoin, Protection, Wager of Law, or *Non vult ulterius proſequi* ſhall be admitted or allowed, any thing in this Act or any other ſeeming to the contrary notwithſtanding.

And that the ſaid Collector, Receiver, or his Deputy, ſhall not at any time hereafter, upon any pretence whatſoever, pay the ſaid One Thouſand Pounds *per Annum*, or any part or parcel thereof, or any other Sum or Sums of Money whatſoever, ariſing from the Quit-Rents, or by Vertue of this Act, unleſs he or they ſhall firſt have or receive, for his or their Authority a Warrant under the Hand and Seal of the Governour, or Commander in Chief for the time being, with the Advice and Conſent of the Council expreſſing the Sum to be paid, and the end and purpoſe whereunto the ſame is or ſhall be applied, And in caſe the Collector, Receiver-General or his Deputy, ſhall contrary to the true intent and meaning hereof, pay any Sum or Sums of Money whatſoever, or if any other perſon or perſons whatſoever, ſhall miſapply any of the Moneys ſo as aforeſaid appropriated contrary to the true intent and meaning

meaning of this Act the Offender or Offenders, ſhall forfeit and pay treble the Sum by him or them ſo paid or miſapplied.

Be it further Enacted by the Authority aforeſaid, That all Forfeitures and Penalties, mentioned in this Act, and not declared how they ſhall be diſpoſed of, and in what manner to be recovered, ſhall be one half to our Sovereign Lord the King, His Heirs and Succeſſors, for and towards the Support of the Government of this Iſland, and the contingent Charges thereof, and the other half to the Informer, to be recovered by Bill, Plaint or Information, in any Court of Record within this Iſland, wherein no Eſſoin, Protection, Wager of Law, *Non vult ulterius proſequi*, or Injunction ſhall be allowed, any thing in this Act, or any other to the contrary, in any wiſe notwithſtanding.

And it is hereby Enacted and Declared, by the Authority aforeſaid, That

That from and after the Firſt day of this preſent *October*, an Act intituled, *An Act for Raiſing a Publick Impoſt*, made at an Aſſembly, held at the Town of *St. Jago de la Vega*, the Fourth day of *October*, in the Three and thirtieth Year of His Majeſty's Reign that now is, and all and every Clauſe and Clauſes therein contained be and are hereby repealed, to all intents and purpoſes whatſoever.

And it is hereby Enacted and Declared, by the Authority aforeſaid, That this preſent Act remain and continue in force, for the Term of Seven Years, and no longer.

Which

WHich Laws having upon the peruſal of the Right Honourable the Lords of the Committee of Trade and Foreign Plantations, been preſented to His Majeſty at this Board, His Majeſty was graciouſly pleaſed (with the Advice of His Privy Council) to approve and confirm the ſame for the ſpace of Seven Years, to commence from the Firſt of October *laſt preceding the Date hereof, And purſuant to His Royal Pleaſure thereupon ſignified and expreſſed, the ſaid Laws are hereby approved and confirmed for the ſpace of Seven Years accordingly.*

John Nicholas.

FINIS.

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